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**I** Do Appoint ROBERT PAWLETT to Print  
the Tryal of *John Tasborough* and *Ann Price*;  
And let no other presume to Print the same.

WILLIAM SCROGGS.

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THE  
Tryal and Conviction  
OF  
JOHN TASBOROUGH and ANN PRICE  
FOR  
SUBORNATION  
OF  
PERJURY,

In Endeavouring to perswade  
M<sup>r</sup>. Stephen Dugdale

To retract and deny his Evidence about the

**Horrid Popish Plot :**

With an Intention to stifle the further Prosecution and  
Discovery of the same.

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At the King's Bench Bar at *Westminster*, Tuesday the Third Day  
of February, 1679. Before the Right Honourable Sir *William*  
*Scroggs* Knight, Lord Chief Justice, and the rest of the Judges  
of that Court.

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L O N D O N,

Printed for *Robert Pawlett*, at the Bible in *Chancery-*  
*Lane*, near *Fleet-Street*, 1679.

THE  
Trial and Conviction

OF  
JAMES TAYLOR AND ANN PRICE  
FOR  
SUBORNATION

PERJURY.

In endeavouring to perjure  
M. Stephen Dagdale

To retract and deny his Evidence about the

County of Devon

With an intention to fill the public Protection and  
Discovery of the same.

At the King's Bench Bar at Westminster, Tuesday the Third Day  
of February, 1835. Before the Right Honourable Sir William  
Stirling Knight, Lord Chief Justice, and the rest of the Judges  
of that Court.

L O N D O N

Printed for Robert Taylor, at the Bible in Court Yard,  
Lane, near Fleet Street.

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THE  
**TRYAL and CONVICTION**  
 OF  
**JOHN TASBOROUGH and ANNE PRICE, &c.**

In Hillary-Term, Feb. 3. 1679.

*This day John Tasborough, and Anne Price, (who were the last Term Indicted for the Offence in the Indictment hereafter recited, and found Guilty by the Grand Jury of the County of Middlesex) were brought to a Tryal at the Bar of the Court of Kings-Bench, which proceeded thus.*

**F**irst, Proclamation was made for Information in usual form. Then the Defendants were called, and appearing, were by the Clerk of the Crown advised to look to their Challenges. Then the Jurors that were summoned to try the Cause being called, and appearing; the Twelve that were sworn, were these Persons following.

Thomas Harriot,  
 Thomas Johnson,  
 Charles Umphrevile,  
 Thomas Earsby,  
 Richard Pagett,  
 John Greene,

Jur.

Edward Wilford,  
 Richard Bull,  
 Joseph Radcliffe,  
 Richard Cooper,  
 James Supple, &  
 George Read.

Clerk of Cr. Gentlemen of the Jury, you that are sworn, hearken to the Record. The Defendants *John Tasborough*, and *Anne Price*, stand Indicted by the Oaths of Twelve honest and lawful men of the County of *Middlesex*; which Indictment sets forth; That whereas one *Thomas White*, alias *Whitebread*, *William Harcourt*, *John Fenwick*, *John Gawan*, alias *Gawen*, and *Anthony Turner*, being Popish Recusants, and false Traytors against our Sovereign Lord *Charles the Second*, by the grace of God, of *England*,  
 B *Scotland*,

Scotland, France, and Ireland King, Defender of the Faith, &c. the Thirteenth day of June, in the year of the Reign of our Sovereign Lord the King that now is, the thirty first, at the Sessions of Oyer and Terminer, and Goal-delivery then held in the Old-Bailey, in the Parish of St. Sepulchers, in the Ward of Faringdon without, London, for the City of London, and County of Middlesex, were lawfully Indicted for certain High-Treasons in the said Indictment specified, and afterwards were lawfully tried by a Jury of the said County, and then and there were Attainted, as appears by the Record thereof, to the Jurors aforesaid in Evidence shewn. And whereas also one Richard Langborne Esq; being a Popish Recusant, the 14th day of June, in the year of the Reign of our said Sovereign Lord the King that now is, the 31th aforesaid, at the Sessions of Oyer and Terminer, then held by Adjournment at the Old-Bailey, in the Parish and Ward aforesaid, was lawfully Indicted for divers High-Treasons in the said Indictment specified; and being afterwards Tryed by a Jury of the County, was then and there thereof Attainted, as appears by the Record thereof, to the Jurors aforesaid in Evidence shewn. And whereas one Stephen Dugdale, upon the several Tryals of the Indictments aforesaid, was a Witness produced and Sworn on behalf of our said Sovereign Lord the King that now is, and then and there in lawful manner, did give material Evidence against the said William Harcourt, and the said several other Traytors, to prove them guilty of the matters in the said Indictment specified; the said Defendants, John Tasbrough and Anne Price, the premises aforesaid well knowing, and being persons devilishly affected towards our Sovereign Lord Charles the Second, now King of England, &c. their Supream and Natural Lord, and devising, and with all their strength intending the Peace and Tranquillity of this Kingdom to disturb, and to hinder and stifle the farther Discovery of the said Treasons, and as much as in them lay, the due course of Law to elude, and the prosecution of Justice in that behalf to retard and obstruct; as also to cause and procure that it should be believed, that the persons aforesaid Attainted, were unjustly Attainted: the said Anne Price,



Price, before the Tryal of the said *William Harcourt*, to wit, the 10th day of *June*, in the year of the Reign of our said Sovereign Lord the King the 31th aforesaid, at the Parish of *St. Margaret Westminster*; in the County of *Middlesex*, with Force and Arms, falsely, unlawfully, unjustly, corruptly, and against the duty of her Allegiance, did sollicit, suborn, and endeavour to perswade the said *Stephen Dugdale*, that he the aforesaid *Stephen Dugdale* should not be a Witness nor give Evidence against the said *William Harcourt*, upon the Tryal of the said *William Harcourt* for the Treasons aforesaid. And that the said *John Tasborough* and *Anne Price*, afterwards, to wit, the 12th day of *October*, in the year of the Reign of our said Sovereign Lord the King that now is, the 31th aforesaid, at the Parish of *St. Margaret Westminster* aforesaid, with Force and Arms, falsely, unlawfully, unjustly, advisedly, corruptly, and against the duty of their Allegiance, did sollicit, suborn, and endeavour to perswade, and either of them did then and there, falsely, unlawfully, advisedly, corruptly, and against the duty of their Allegiance, sollicit, suborn, and endeavour to perswade the said *Stephen Dugdale*, that he the said *Stephen Dugdale* should retract and deny all the Evidence and Information which he the said *Stephen Dugdale*, as aforesaid, had given against the Traytors and Popish Recusants aforesaid; the said *John Tasborough* and *Anne Price* then and there falsely, unlawfully, unjustly, and advisedly, corruptly promising, and either of them promising to the said *Stephen Dugdale* great sums of Money and Rewards, if he the said *Stephen Dugdale* would retract and deny all the Evidence and Information by the said *Stephen Dugdale*, against the Traytors and Popish Recusants aforesaid, as aforesaid given, and would withdraw and absent himself the said *Stephen Dugdale*, in places unknown and beyond the Sea. And that the said *John Tasborough* and *Anne Price*, their wicked Devices, Practices, and Intentions aforesaid to fulfil and accomplish, afterwards, to wit, the said 12th day of *October*, in the year of the Reign of our said Sovereign Lord the King the 31th aforesaid, at the Parish aforesaid, in the County aforesaid, by Force and Arms, falsely, unlawfully, unjustly, advisedly, and corruptly, and against the duty of their Allegiance, did pro-



produce and shew; and each of them did then and there produce and shew to the said Stephen Dugdale, a certain Note in Writing; the Tenour of which Note follows in these English words following: *Being touched with a true Remorse of Conscience, and hearty sorrow for the great Ill I did in coming in a Witnes against the Catholicks, and there speaking things which in my own Conscience I knew to be very far from the truth; I think my self bound in duty both to God and Man, and for the safety of my own Soul, to make a true Declaration how I was drawn into this wicked Action. But being very well satisfied that I shall create my self many powerful Enemies upon this account, I have retired my self to a place of safety; where I will with my own hand discover the great wrong that hath been done the Catholicks, and hope it may gain belief. And likewise I protest before Almighty God, that I have no Motive to induce me to this Confession, but a true Repentance for the Mischiefs I have done; and hope God Almighty will forgive me. And that the said John Tasborough and Anne Price, the day and year aforesaid, in the Parish aforesaid, in the County aforesaid, with Force and Arms, falsely, unlawfully, unjustly, advisedly, corruptly, and against the duty of their Allegiance, the said Stephen Dugdale the aforesaid Note in Writing, so as aforesaid, to the said Stephen Dugdale produced and shewn to signe and subscribe, did solicit and endeavour to perswade, and each of them did solicit and endeavour to perswade; and then & there falsely, unlawfully, unjustly, advisedly, and corruptly, did promise, and each of them did promise to the said Stephen Dugdale, that if he the said Stephen Dugdale the aforesaid Note in Writing would signe and subscribe, That then he the said Stephen Dugdale great and vast sums of Money should have and receive; to the evil and pernicious example of all persons in the like case offending, and against the Peace of our said Sovereign Lord the King, his Crown and Dignity, and against the duty of their Allegiance. To this Indictment they have pleaded Not Guilty, and for their Tryal have put themselves upon the Country, and the Kings Attorney likewise; which Country you are. Your Charge is to enquire whether the Defendants, or either of them, be guilty of the Trespas and Offence where-*

of

of they stand Indicted, or not Guilty. If you find them or either of them Guilty, you are to say so; if you find them not Guilty, you are to say so, and no more, and hear your Evidencee.

*Cryer, make an O yes.*

*Cryer.* O yes, If any one will give Evidence on behalf of our Sovereign Lord the King, against the Defendants *John Tasbrough* and *Anne Price*, let them come forth, and they shall be heard.

*Then Roger Belwood Esq; of Counsel for the King in this Cause, opened the Indictment.*

*Mr. Belwood.* May it please your Lordship, and you Gentlemen of the Jury, The Defendants *John Tasbrough*, and *Anne Price*, stand Indicted for subornation of Perjury. And the Indictment sets forth, That whereas *Thomas Whitebread*, *William Harcourt*, and others, were Indicted, and that for Treason, in Conspiring the Death of the King, and other Treasons, and were legally Tried; Convicted, and Attainted for the same; and that *Richard Langhorn* was likewise Indicted and Attainted for the same Offence: And that upon these Tryals *Mr. Dugdale* was produced and examined as a Witness for the King and did depose materially against the said Traytors; and the Defendants knowing this, and contriving and designing to fristle the Discovery of the Treasons aforesaid, did before the Tryal of the said *Harcourt* sollicit suborn and endeavour to perswade the said *Mr. Dugdale* not to be a Witness, nor to give Evidence upon the Tryal: And after the Tryal, did farther sollicite him to retract and deny all the Evidence he had given on that behalf, and promised him large Rewards, and great Sums of Money for it; and to accomplish this, they did incite him to withdraw and retire himself and produced a Note which he was to sign, and which hath been read to you wherein he was to acknowledge that he was in an Errour, and had sworn falsely, and therefore had retired himself, and for this they promised him great Rewards: And this Offence is laid to be done falsely, advisedly, corruptly, and against the duty of their Allegiance. To this the Defendants have pleaded Not Guilty: if we shall prove the Fact upon them, we hope you will find it.

*Then Mr. Serjeant Maynard pursued the Charge.*

*Mr. Serj. Maynard.* My L<sup>d</sup>. and you the Gentlemen of the Jury, I am of Counsel in this Cause against the Defendants. For the Fact that is laid in the Indictment, it consists of these particulars. First, an attempt to prevent the Evidence before it was given. And Secondly, when it was given, and the Traytors were Convicted and Condemned, then to disgrace that Evidence, and the proceedings at Law that hath been against the Traytors; and this in favour of the Catholiks. Thirdly, the means they used to perswade him, which was by corrupt promises and engagements to him. And Fourthly, That they had prepared a Note which hath been read to the Jury, whereby he that had swore the Truth, should publickly own to the world that he had sworn a Lye, and that the Catholicks had received great injury by him, and that he had withdrawn himself to make this Discovery: and this is the substance of the Charge upon these persons. This practice, my Lord, is not new, it hath appeared here in several other instances. We remember what *Reading* did; and we have not forgotten what *Knox* and *Lane* did; and this is the third Cause of that kind that hath come before you. Our Evidence will be this: we shall produce *Mr. Dugdale*, the Person against whom this Design was laid, and he can testifie all this matter. Now he was but a single person against these two Tempters; and your Lordship remembers what was said in the like Case, two might convince one, and therefore he thought it safe to acquaint, and he did acquaint persons of Publick Concern and Authority with this Attempt upon him. And he did not onely this, but they met several times about it at the Tavern, and there we shall prove what they did. Part of this hath been confessed, for this hath had another Examination in another place. And the Gentlewoman hath confessed, that she did offer him Sums of Money, for it we will call our Witnesses. We shall not now aggravate the fault, that will come after the Evidence given; but I think it is hellish enough if it be proved.

*Then Mr. Attorney General proceeded to open the Evidence.*

*Mr. Att.*



Mr. Att. Gen. My Lord, This Case is of the same nature with those that Mr. Serjeant hath mentioned of *Reading*, and *Knox* and *Lane*; but it goes somewhat farther; for this must be done in Writing, and subscribed by the Partie, to be produced upon occasion, to defame all the Evidence that had been given before. And the substance of the Note is to Recant all that he had said, and aver it to be false: and so all that have died upon that account, must have been supposed to have died very unjustly. This was the designe of the matter: And it was not onely in this Case that these persons have been endeavouring things of this nature; for we can prove, if it be necessary, by another Witness, that this Gentlewoman hath been tampering to perswade him to retract his Evidence against another person, one Mr. Parsons a Priest in custody; and to bring all about, she did presume upon Mr. Dugdale's old acquaintance with her. They had been Fellow-servants in my Lord Aston's Family, and by that means were of antient acquaintance: And she did presume upon these grounds, that she could withdraw him from all his Evidence. And we shall prove, I think, by another Witness which does fortifie this Testimony, that both these persons have already acknowledged this Fact, and that they personated great persons in it; that is, they pretended to come in the name of very great persons, as you will hear, when they had nothing to do in the thing. They pretended to go to *Windfor* for pardon, and assurances of protection, and they have acknowledged it; and 'tis in proof that they were never near that person; that is, Mrs. Price did pretend she should go down to *Windfor* and speak with the D. of *York*; for he was the person named, though 'tis acknowledged, and was in proof by her Companion, that she never came near him; that is, by Mrs. Harris, of whom you will hear anon. And Mr. Tassborough did pretend the same thing to Mr. Dugdale, and did acknowledge it to the Council, but denied that it was true. We shall call our Witnesses, and prove the Fact as it hath been opened.

Mr. Serj. Maynard. We will first prove the Indictments that are recited, and call for the Records of the Convictions.

**L. C. J.** Sure they will admit that.

**Mr. Serj. Maynard.** We must offer our Proof; if they will admit it, so.

**L. C. J.** What say the Counsel for the Defendants? do you admit the Indictments and Convictions?

**Mr. Pollexfen.** My Lord, I cannot tell in this Case; if we should not stand upon it that all the Proofs be given, our Clyent perhaps will take it ill. I pray therefore the Evidence may be given according to Law.

**L. C. J.** Well, if you stand upon it, they must prove it. Produce the Records.

**Mr. Att. Gen.** Give Mr. Clare his Oath.

*(Who was sworn.)*

**Mr. Serj. Maynard.** Put in the Copy, Sir.

*(Which was done.)*

**Cl. of the Crown.** Come, Sir, is that a true Copy?

**Mr. Clare.** Yes; I examined it.

**L. C. J.** Where?

**Mr. Clare.** With Mr. Adderley, the Clerk of the Peace of Middlesex. And this other, with Mr. Tanner, Clerk of the Peace for London.

*Then the Copy of the Record of the Conviction of Whitebread, &c. was begun to be read.*

**L. C. J.** Let them see it that are for the Defendants.

**Mr. Just. Dolben.** Don't read it all: if they have any Exception to it, let them make it. Give it over to them.

**Mr. Pollexfen.** Ay, my Lord, let us see it. Pray Sir, you say you examined this, is this a true Copy?

**Mr. Clare.** Yes, it is.

*Then also the Conviction of Langhorne in London was read.*

**Mr. Just. Dolben.** That is the Conviction at Newgate.

**Mr. Just. Pemb.** Well, go on with the rest now.

**L. C. J.** Go on with the Evidence.

**Mr. Just. Pemb.** Who do you begin with? Who do you call first?

**Mr. Belwood, Mr. Dugdale, my Lord.**

*(Who was sworn.)*

**Price.** Stand nearer me, Mr. Dugdale.

**Mr. Att.**



*Mr. Attorney General.* He stands near enough.

*Mr. Serg. Maynard.* He will be near enough you by and by *Mrs. Price.*

*L. C. Just.* Come *Mr. Dugdale*, what say you against *Mrs. Price* and *Mr. Tasborough*?

*Mr. Dugdale.* My Lord, *Mrs. Price* being an ancient Acquaintance of mine, (for she was my Fellow Servant at My Lord *Aston's*, may it please your Lordship) I coming to Town as a Witness for the King, I did send for *Mrs. Price* as one of my ancient Acquaintance. I think it was in *January* was twelve month.

*L. C. Just.* Is she a Papist?

*Mr. Dugdale.* Yes, I think she is so now: We used to go to Mass together in the Countrey.

*L. C. Just.* She was one, but is she?

*Mr. Dugdale.* I suppose she is one, we had Familiarity together, but never till *June* last did she endeavour to take off my Evidence.

*L. C. J.* When was it she first set upon you?

*Mr. Dugdale.* She began to tamper first, the Night before *Harcourts* Tryal.

*L. C. J.* But she had been before with you in *London*?

*Mr. Dugdale.* Several times; For I sent to her presently after I came to Town; but that was the first time she offered to take off my Evidence. And she was then perswading me to be out of the way, and not to give any Evidence against *Mr. Harcourt*, because he was her Ghostly Father.

*L. C. J.* Who was by?

*Mr. Dugdale.* There was no body by, but one that was an Acquaintance of mine that heard her.

*L. C. J.* What is his Name?

*Mr. Dugdale.* *Wright*.

*L. C. J.* Then you two and *Wright* were together?

*Mr. Dugdale.* Yes, my Lord.

*L. C. J.* What said you to her, when she made that offer to you?

*Mr. Dugdale.* I told her I could not do it; for that I was to appear the next day, and was to give my Evi-

dence, or I must be forsworn. In any thing else I told her I would serve her; but that I could not do, because I should forswear my self: and I was sworn next morning. It continued two or three days, or a pretty while before I saw her again.

*L. C. J.* She was angry for a while with you, was she?

*Mr. Dugdale.* She was afterwards well reconciled to me, and afterwards she desired me that I would speak to your Lordship, on behalf of one Mr. Parsons a Prisoner in the Gate-house, that he might be Bailed out, I told her I would, I know not whether I did or no certainly, I suppose I did speak to some of your Lordships Servants. I do confess it was not done; but I was to go into the Country into *Staffordshire*, and just as I was going to take Coach, she sent a Messenger to me to speak with me before I went. I said I could not stay to speak with her that morning; but I would remember her Business when I came to Town again. I supposed it to be this about Mr. Parsons. I went into *Staffordshire*, and continued there about six or seven weeks: I was there at the Assizes with your Lordship. Now she had been several times at one Mr. Croftes (where we usually met) to enquire when I came to Town; and did desire she might know when I came; for she had important Business to communicate to me. I think this might be about the eleventh of September last my Lord. When I came to Town, I came to Mr. Croftes that very Night, and they told me of this, That Mrs. Price had been there several times to request them, that when ever I came she might have Notice. I denied it that Night: I am very weary said I, and therefore would not have her sent for. Within two or three days after, I came there again, and she was sent for; I cannot tell whether by my direction, or whether they sent for her of their own accord, they can best testify that. When she came to Mr. Croftes, the first thing after Salutation from my Journey, she asked me if I had spoken to your Lordship about Mr. Parsons. I told her no, not as yet; but I would go straight up to your Lordships House, and speak with you about it. No, said they

you

you need not now do that : for we have a greater Work in hand, which Work was this ; She told me she was come from a great Person whom she did not then name, to tell me that if I would retract my Evidence (this was the short of it, there were more particulars) and go beyond Sea, I should either be in the D. of York's Court, or I should be supported by him.

*L. C. J.* Did she name the D. of York then ?

*Mr. Dugdale.* Not the first time ; she said she was come from a Great Person, but named him not : the second time she named him, when I desired to know who the Great Person was.

*L. C. Just.* But what said she the first time, if you would retract, what then ?

*Mr. Dugdale.* I was to have a Thousand pounds paid into a Merchants hands to be secured for me till I came back to give Evidence for them. I was to take the Plot off from the *Catholicks*, and to lay it wholly upon the Protestants. I was to swear against some persons, as *Mr. Tasborough* told me, that after I was got on Shipboard, I was to do a great deal of more Service, and come to swear against a great Person, a Person of Considerable Note whom yet they did not name.

*L. C. Just.* But before you depart from what *Mrs. Price* said to you, make an end of her Discourse, when she told you you should have a Thousand pounds deposited into what Merchants hand you thought fit ?

*Mr. Dugdale.* I think not that, but into a Merchants Hand.

*L. C. Just.* Well, what should you do for it ?

*Mr. Dugdale.* I was to retract all my Evidence, and to be no Witness against them ; but before I would much encourage this, I went to my Lord that was then President of the Council, my Lord *Shaftsbury*.

*L. C. Just.* Who was by when this Discourse was ; was the third Person by you speak of ?

*Mr. Dugdale.* There was others by afterwards ; but there was no body but we two together, I think at that time : But I went to that Noble Lord my Lord *Shaftsbury*,

bury, and acquainted him and Mr. *Hambden*, and Mr. *Charlton* with it: For she threatned, that all the King's Evidence would in a short time be hang'd; and if I would come over to them, it should all be turned upon the Protestants. The Duke had a wise Council, and had contrived it so, that if I would come over to them, there would not be a Papist that should suffer more; but their Religion should be established in half a year, and all the Witnesses brought to condign Punishment. When I acquainted these persons I named with this, & communicated it to them, they thought fit I should go on a little with her to trepan her, to see what kind of Plot it was they were designing; and I did give Encouragement; but not so far as to set my Hand to any Paper. But when it did come out, the Contrivance they spoke of did prove Mr. *Dangerfield's* Plot, as appeared afterwards. So, as I was saying, I did encourage this to *Mrs. Price*, to see what I could get out of her; for I knew their Plots were dangerous and barbarous when I was amongst them; but I never designed to prosecute them at any Bar, but only to know the depth of their Contrivance. And these Gentlemen thought it very fit I should have some Evidence to testify for my Innocency, if they should prosecute me: And I did get two persons, one *Dr. Chamberlain* and his Clerk who were to be in a private place to over hear what was the Communication between us; and when I had placed them, I asked *Mrs. Price*, whether I first began the Tampering, or She, she answered she did, and I reckoned up all the Heads of our former Treaties, though not the Particulars.

*L. C. J.* When did Mr. *Tasborough* first appear in this Matter?

*Mr. Dugdale.* My Lord, he never appeared but twice, and it was about the 12th of October, I think, the first time. We appointed to meet at the Green Lettice, that was with *Mrs. Price*, for I never saw the Face of Mr. *Tasborough* before that time, and from thence we adjourned to the *Phoenix* in *Doller's* Rents.

*L. Chief*



*L. Chief Just.* There was the first time you met with *Mrs. Tashborough* you say.

*Mr. Dugdale.* Yes, my Lord.

*L. C. J.* What Discourse had you with him when you first met him?

*Mr. Dugdale.* My Lord, when we came there, *Mr. Tashborough* was at first pleased to open the Business to me, that *Mrs. Price* had acquainted him that I would come over to them. I sat a good while and said nothing, and when I did speak, I did rather give Encouragement than speak against it.

*Lord Chief Justice.* What did he tell you?

*Mr. Dugdale.* He said, he was brought there to confirm what *Mrs. Price* had promised me.

*Lord Chief Justice.* Did he say so?

*Mr. Dugdale.* Yes, because I would not take it upon her word alone, but desired to have some other sufficient Person; and she told me, he was an honest sufficient Gentleman, and I might confide in him; and he said, what she had promised, should be certainly made good, and that he came likewise from the *D. of York*, as he said, to confirm those Promises had been made me of his Encouragement and Protection.

*Lord Chief Justice.* Did he express particularly of what should be made good?

*Mr. Dugdale.* My Lord, in general.

*Lord Chief Justice.* Did he mention the money that was to be paid into the Merchants Hands?

*Mr. Dugdale.* In general words only, all would be made good?

*Lord Chief Justice.* Then he did not say the Money; but what had been said to you by her should be made good?

*Mr. Dugdale.* We had some particulars mentioned, but I cannot positively remember which.



*Mr. Attorney General.* I desire my Lord, the Jury may take notice of this, that what she had promised, was, if he would retract his Evidence.

*Mr. Justice Dolben.* Did he intimate that?

*Mr. Dugdale.* The second time when he came, ---

*Lord Chief Justice.* But before you come to the second time, let us make an end of the first: Repeat what he told you, when he came to you. You say, he said I am informed by this Gentlewoman, that you intend to come over to us, what then?

*Mr. Dugdale.* He told me a great many things for my Encouragement; if I did come, that it was a very charitable Act, and it was nothing but what was acted like a Christian, and if I had done amiss, I might have pardon for it; and he did say, he was encouraged by more than the D. of York, that had taken my matter into Consideration.

*Lord Chief Justice.* What was it in General Words?

*Mr. Dugdale.* It was if I would come over and retract what Evidence I had given. And he said what ever things had been promised me, should be sure to be made good. Then my Lord, the second time, we did adjourn till Tuesday following; and then we met (as I think) at the Six Cans in Holborn, and it was pretty late that time we met, so *Mr. Tasborough* and *Mrs. Price* did tell me it was the last time they were to come.

*Lord Chief Justice.* What, the second time of *Tasborough's* coming?

*Mr. Dugdale.* Yes my Lord, and they offered me this Note. I had the Note before left with me to consider of it.

*Lord Chief Justice.* Who had given you the Note?

*Mr. Dugdale.* *Mrs. Price* gave me the Note.

*Mr. Attorney*

E

*Lord Chief*

**Lord Chief Justice.** Did *Mr. Tasborough* leave you before the Note was given you? For look you, when he told you about retracting your Evidence, and that this is nothing but what you may lawfully do, 'tis a Charitable Act.

**Mr. Dugdale.** That was the first time my Lord.

**Lord Chief Justice.** Did he produce the Note then?

**Mr. Dugdale.** He and she together did?

**Lord Chief Justice.** Who was it had it?

**Mr. Dugdale.** *Mrs. Price* had it from me, and produced it before *Mr. Tasborough's* Face.

**Lord Chief Justice.** Did she give it to him to read?

**Mr. Dugdale.** *Mr. Tasborough* did read it, and reading it said, this is nothing but what you may lawfully do; there is no hurt in it?

**Lord Chief Justice.** And then he went away and left you and *Mrs. Price* together, what became of the Note?

**Mr. Dugdale.** Then *Mrs. Price*, after some importunity left the Note with me, and I delivered it to *Doctor Chamberlain* to copy out. And *Mr. Tasborough* and *Mrs. Price* at the second meeting told me, that was the last time of meeting, and if I did not then sign it, it would be much to my prejudice; and that they should not be able to do any thing for my advantage, if I did not sign it before the Duke went into Scotland. He was then going, and it should be much for my Benefit if I signed it first; but *Mr. Tasborough* said, he could do me no more Service except I did that.

**Lord Chief Justice.** He said, that that was the last time, and if you would do it, it would be for your Advantage.

**Mr. Dugdale.** Yes, my Lord.

*Lord Chief Justice.* What said you then, did they produce the Note again?

*Mr. Dugdale.* My Lord, the Note was delivered to *Mrs. Price*, and she brought it thither for me to sign it, and laid it upon the Table, and pressed me to sign it.

*Lord Chief Justice.* I thought you had said she had given you the Note?

*Mr. Dugdale.* Yes, but I gave it her again before we met the second time.

*Lord Chief Justice.* And who produced it then?

*Mr. Dugdale.* She again the second time. But my Lord, we have mis'd one thing about *Mrs. Price*. When she was perswading me, she made use of the D. of *York's* Name; and said, she would go down to *Windsor* to persuade the Duke that I should have my Pardon: Accordingly she did go, as I believe; for she took Coach at *Charing Cross*, and as she said, did go to *Windsor*, and brought me word back again, that the Duke did not seem to countenance it much, for fear he should be drawn into a *Premunire* himself; and then she told me the Duke did wish her to acquaint the *Spanish* Embassador with it; and she did go and acquaint him with it, as she told me. I asked her when I should go to speak with the Embassador about it; she told me, that the *Spanish* Embassador could not speak *English*, and it was not safe to trust an Interpreter that they did not know; and so it was to be deferred a little longer; but she said, that he would protect me; and that all that she said that the Duke had promised for my Reward; and for my safe going beyond Sea, he would be ready to do it; and she told me, that the *Spanish* Embassador would write Letters into *Flanders*. And so they made use of the Duke of *York's* Name; but I could never find by any thing, nor can say, though they made use of the Duke of *York's* name, that he did countenance any such thing, or ever knew of it.

*John Dugdale*

*Lord Chief*

*Lord Ch. J.* How long was this before the Duke went away?

*Mr. Dugdale,* It was about the Twelfth or Fourteenth of *October*. The Duke went the beginning of *Novemb.* from hence.

*Lord Ch. Just.* Sir *Thomas Doleman*, do you know when the King came to Town from *Windsor*?

*Sir Thomas Doleman,* No, I do not know.

*Mr. Dugdale,* It was before the Duke went over into *Flanders* that the King was at *Windsor*. For the King and the Duke of *York* came from *Windsor*, and then the Duke went to *Flanders* again, and then she went as she said, to *Windsor*, and came home either the day the Duke came from *Windsor* or the day after.

*Lord Chief Just.* Her discourse when she went to *Windsor*, was before the Duke went into *Flanders*?

*Mr. Just. Pemberton,* The second time you mean.

*Mr. Dugdale,* Yes, my Lord, the second time. For may it please your Lordship, I do remember now, that the day when the Duke of *York* came back again from *Flanders* I think it was the Twelfth of *October*, that was the time that I saw *Mr. Tasborough* first, and that was the time they produced the Note, and I shall produce some Witnesses to prove that he had discourse with me then.

*Lord Chief Just.* I would only know the time when she told you she went to *Windsor*, to speak with the Duke of *York*.

*Mr. Dugdale.* My Lord, to the best of my remembrance, and as I think, it was the day before the King came from *Windsor*, that she went down.

*Mr. Just. Pemberton,* He cannot swear to a day, 'tis hard to put him to that.

*Lord Chief Just.* He is not asked to a day, but we would be at some certainty about the time as near as we can.

*Mr. Dugdale,* My Lord, this I dare positively say, she went down of a *Tuesday*, and that was the day before the Duke of *York* came from *Windsor*.

*Mr. Just. Pemberton,* He does give us the time as near as possibly he can.

*Mr. Att. Gen.* Have you a Copy of the Note *Mr. Dugdale*?

*Mr. Dugdale,* Yes, my Lord, I have.

*Mr. Ser. Maynard,* Now we will prove that Note.

*Mr. Att. Gen.* For the Note it self your Lordship observes, *Mrs. Price* had the Original back again, but your Lordship hears *Dr. Chamberlain* took a Copy of it, and he will prove it.



Then Doctor Chamberlain was Sworn.

Lord Chief J. Did she shew you the Note at the time that she went to the Duke to Windsor?

Mr. Dugdale, The Note was produced when the Duke came from Flanders, the day I think he came, and that was in October.

Lord Chief J. When did Tasborough and she meet with you?

Mr. Dugdale, When the Duke of York came back from Flanders.

Lord Chief Just. When was that?

Mr. Dugdale, My Lord, I think it was the Twelfth of October. Mrs. Price had appointed Mr. Tasborough to come to confirm what she had said before, which was the time that I saw him first.

Lord Chief Just. When was that?

Mr. Dugdale, The very day the Duke came from Flanders, as I think.

Lord Chief Just. Well then, she talked to you of the Duke of York, and going to Windsor, before ever you saw Tasborough.

Mr. Dugdale, Yes my Lord.

Mr. Just. Pemberton, And so his Evidence was.

Lord Chief Just. So then here is the matter, that the Jury may understand the Evidence; She solicited him first the day before Harcourt's Tryal. Then the next was Three or Four dayes after the Tryal, and then she endeavoured to perswade you to retract your Evidence and go beyond Sea.

Mr. Just. Pemberton, No my Lord, that was only to get the man Bailed that was in the Gatehouse.

Lord Chief Just. Did she not the Second time propose that?

Mr. Dugdale, No my Lord, not till I came forth out of the Countrey again.

L. Ch. J. Then you went into the Countrey before the great matter was spoken to?

Mr. Dugdale, Yes, my Lord.

L. Ch. J. And then she left word at the house, that she might know when you came, and when she met with you she began to tamper with you, and said you should have 1000*l.* paid into some Merchants hand, and be well look'd upon, and after that she said she would go down to the D. to Windsor.

Mr. J. Pemberton, But at that time she told him, he should have a place in the Dukes Court.

and I

L. Ch. J.



*L. Ch. J.* Did she produce the Note the first time you saw *Tasborough*?

*Mr. Dugdale*, Yes, my Lord, the Note was produced the first time.

*L. Ch. J.* And *Tasborough* read it?

*Mr. Dugdale*, Yes, he read it.

*L. Ch. J.* And said you might lawfully do it?

*Mr. Dugdale*, Yes, my Lord.

*L. Ch. J.* When was the second time?

*Mr. Dugdale*, It was within a few days after, about 2 or 3 days.

*L. Ch. J.* You are not asked to a day, was the Note produced a second time?

*Mr. Dugdale*, Yes.

*L. Ch. J.* And then he was upon the same matter still, when you swear the Note was produced the second time?

*Mr. Dugdale*, Yes, my Lord.

*L. Ch. J.* And then said he, this is the last time we must offer it to you, if you do not do it now, I can do you no good.

*Mr. Dugdale*, Yes, my Lord.

*L. Ch. J.* But her discourse was before all this, that she would go down to *Windsor* and get your pardon?

*Mr. Dugdale*, Yes, my Lord.

*Mr. J. Jones*, Before your acquaintance with *Tasborough*?

*Mr. Dugdale*, Yes, before ever I saw him.

*Mr. J. Pemberton*, *Tasborough* was to confirm it.

*Mr. Dugdale*, Yes, for I made some scruples about it, for they said before the Duke would believe me real, I must subscribe the Note, which I would not do without further assurance. She promised a person of good sufficiency and quality should engage for the performance, and one *Mr. Perkins* as she said was to be sent for, and was sent for out of the Countrey, and 3*l* 10*s* expended in sending for him. And I said to *Mrs. Price* when a 1000*l* was proposed, Lord in heaven, that is too much money, a 100*l* is enough to serve me; said she, we must have a care how we manage this matter, for she told me the D. of *Tork* stood upon a Tickle point, and if it should be known the Duke tampered with the Kings Witnesses it would ruin him, but she said a 1000*l* was prepared for me if I would go beyond Sea into *Flanders*, where I should be maintained and protected. But I objected my fear of the Inquisition in *Spain*, which I knew to be so cruel a thing.

thning, therefore I would not go beyond sea. Then she asked me if I would be contented with the Protection of a Protestant Earl's house.

*L. Ch. J.* Did she tell you his name?

*Mr. Dugdale,* She asked me if I could not be content to be in a Protestant Earls house, and not go beyond Sea? but she named no body.

*L. Ch. J.* When you said you were unwilling to go beyond Sea, for fear of the Inquisition, she offered you the Protection of a Protestant Earls house, and you desired to know who it was, but she named no body?

*Mr. J. Pemberton,* And you say when *Mr. Tasborough* came to you, he told you if you would retract your Evidence, all the promises that had been made you by her should be made good?

*Mr. Dugdale,* Yes, my Lord, and without I would sign the Note, the D. and the rest of the Gentlemen could not be serviceable to me.

*Mr. J. Pemberton,* And he pressed you to do it before the D. went into Scotland?

*Mr. Dugdale,* Yes, my Lord.

*Mr. Belwood,* Pray *Mr. Dugdale,* what discourse was between you and *Mr. Tasborough* concerning the Trial of *Sir G. Wakeman*?

*Mr. Dugdale,* The last time, the 2d time we were together---

*L. Ch. J.* Then you were but twice with *Tasborough*?

*Mr. Dugdale,* No my Lord, but that second time, you may see says he what a progress hath been made by the acquitting of *Sir Geo. Wakeman*, even that the Protestants themselves are at a stand about their belief, whether there be a Plot or no, and if you come over to us it will overthrow all.

*L. Ch. J.* Had he any discourse with you about the *Spanish* Embassador?

*Mr. Dugdale,* My Lord, I can't tell whether he had or no, She had.

*L. Ch. J.* Did she say he would undertake the making good of the promises.

*Mr. Dugdale,* Said I, *Mrs. Price,* suppose I should come over to you, what would it advantage you? there is *Mr. Oates*, and *Mr. Bedloe*, and *Mr. Prance* when I am gone. Said she, hang them Rogues, so as we do but get you over, we do not care, we can quickly do their business.

*Mr. Sol. G.*

*Mr. Sol. Gen.* And he said this I observe by the way, that if he came over, all the King's Evidence should be hang'd, and the Plot turned upon the Protestants.

*Mr. J. Pemberton,* Yes he did say so, that he was told by the Gentlewoman, if he would come over, the Plot should be turned upon the Protestants, and the King's Evidence be hang'd.

*Mr. Scroggs,* *Mr. Tasborough* did not say so.

*Mr. Att. Gen.* Is this a true Copy of the Note?

*Mr. J. Pemberton,* But *Mr. Tasborough* perswaded him to sign the Note, and *Tasborough* did say it was a good Act, and confirmed and assured him, that all should be made good to him that she had promised, and desired him to do it before the *D.* went, that he might be the abler to serve him with the *Duke*.

*Mr. Att. Gen.* *Mr. Dugdale,* is this a true Copy of the Note?

*Mr. Dugdale,* I have read it so often, that I do believe it is a true Copy. And here is the Doctor and his Clerk who will swear it was a true Copy examined with the Note.

*Mr. Att. Gen.* Swear Doctor *Chamberlain* and *Cleave* (which was done) with what did you examine that Copy?

*Mr. Cleave,* By the Paper given me by *Dr. Chamberlaine*.

*Dr. Chamberlain,* My Lord, I received the paper from *Mr. Dugdale*, my Lord, and gave him order to transcribe it.

*L. ch. J.* And that is a true Copy of the paper you had from *Dr. Chamberlaine*?

*Mr. Cleave,* Yes, my Lord, it is.

*L. ch. J.* *Mr. Dugdale*, did you deliver that very Note that *Mrs. Price* delivered to you, to *Dr. Chamberlaine*?

*Mr. Dugdale,* Yes, I did, and received it back again from him.

*L. ch. J.* And you Copied it out from that Note *Dr. Chamberlain* had?

*Mr. Cleave,* Yes, I did.

*L. ch. J.* What is your name, Sir?

*Mr. Cleave,* *Cleave*.

*L. ch. J.* Read the Note, (which was read as in the Indictment.)

*Mr. J. Pemberton,* Was this a Copy of the Note delivered to you, that you were to Sign?

*Mr. Dugdale,* Yes, my Lord, it is a true Copy. And if I may not be too troublesome, there is one thing more which comes into my mind; that passed betwixt *Mrs. Price* and me,

she was instructing me how I should be conveyed beyond sea, and she mentioned the way of the *Pacquet-Boat* that comes from *Dover*, and goes every *Tuesday* or *Wednesday*. I made a shew as if I was willing to do it, but the next time she came said she, We have thought it not to be so late as to go into a *Merchants Ship* which was the way we sent all our *Priests* over.

*L. Ch. J.* When was this?

*Mr. Dugdale*, My Lord, it was before the Duke came home the second time, it was while he was in *Flanders*. And being desirous to know, I pressed her to tell me what became of *Mr. Ewers*, my Ghostly Father in the Countrey: it was a long time ere she would tell me, but at last she told me that he was conveyed over in those *Yachts* that carried the Duke of *rock* the first time over into *Flanders*.

*Mr. Att. Gen.* Then swear *Wright*. (which was done)

*Mr. Dugdale*, is this the man that you mentioned concerning the discourse about *Harcourt*?

*Mr. Dugdale*, He hearkned as he told me afterwards, but I did not then know it.

*L. Ch. J.* Well what say you, were you present at any discourse between *Mr. Dugdale* and *Mrs. Price* before *Harcourt's* Trial?

*Mr. Wright*, My Lord, I was walking to and fro in the room: *Mrs. Price* that Gentlewoman was talking with *Mr. Dugdale* at the window, and I was very inquisitive, I did think it was upon the account of marriage, or some such business, and so hearkning, I did hear her say, that Father *Harcourt* had been very kind to her, and that she had visited him before he went to Execution, and he bid her not be troubled, he dyed in a good Cause, and upon this account I asked *Mr. Dugdale* afterwards what her design was, and he said it was to withdraw his Evidence.

*L. Ch. J.* How often were you in the company of *Mrs. Price* and *Mr. Dugdale*, never but that one time?

*Mr. Wright*, Yes a dozen times I believe I have been with them.

*L. Ch. J.* When was the first time that you heard them talk concerning *Harcourt*? they were always very private were they not?

*Mr. Wright*, Yes.

*L. Ch. J.*



*L. Ch. J.* Well, what did you hear the first time?

*Mr. Wright,* It was at the *Horsefleece Tavern* in *Chancery Lane*, and then the great matter that she did desire of him was, to be kind to *Harcourt*, for he had been her Confessor, but afterwards I remember, when he was condemned, she said she had been with him, and he had bid her be of good cheer, for he dyed in a good cause.

*L. Ch. J.* Was this the time that you were at the *Horsefleece Tavern*?

*Mr. Wright,* The first time I heard no discourse of *Harcourt* then.

*L. Ch. J.* When was this? and what said she when she spoke of Father *Harcourt* the first time?

*Mr. Wright,* It was to desire him to be kind to Father *Harcourt* because he was her Confessor. They spoke so softly I could hardly hear them.

*L. Ch. J.* Well how do you know then?

*Mr. Wright,* I asked him when he came out, what it was, and he said it was to take off his Evidence against *Harcourt*: and afterwards (she said) she had been to visit him.

*L. Ch. J.* What more did she say at that time?

*Mr. Wright,* I could not hear any more my Lord.

*L. Ch. J.* Then all that you did hear was, she said to him, pray be kind to *Mr. Harcourt*, for he is my Confessor, and to that effect was all their whispering that you heard?

*Mr. Wright,* That is all I did hear her say at that time.

*Mr. J. Pemberton,* But what did you hear *Mr. Dugdale* say at that time?

*Mr. Wright,* He said it was upon the account of taking off his Evidence.

*L. Ch. J.* Well, what did you hear her say afterwards?

*Mr. Wright,* After she was saying she had been with him.

*L. Ch. J.* How long after?

*Mr. Wright,* I do not know, I cannot say to the time, for I never minded it, they sent for me some times at their pleasure, but she said she had been to visit Father *Harcourt*, who took her in his Arms and said, do not cry for me, for I dye in a good Cause. And this I told *Mr. Dugdale* of again, and she did further say, if the King should command me to be burnt at a stake, I would do it and so would any of the party. Then said

said *Mr. Dugdale*, while you give these kind expressions, yet you would cut off his head if you could; said she, you are a Rogue and I am satisfied.

*L. Ch. J.* What was it before the time that she said, pray be kind to *Harcourt*?

*Mr. Ser. Maynard*, We call this Witness only in Confirmation of *Dugdale's* testimony.

*L. Ch. J.* But Brother, here is the matter: He says at the time that she told *Dugdale* he was a Rogue, and she was satisfied, afterwards she came to tamper with him to do *Harcourt* a kindness.

*Mr. Wright*, She said many times there were not four greater Rogues between this and Hell gate than the King's Evidence.

*L. Chief. Just.* What was it before she talked of *Harcourt*?

*Mr. Wright*, Yes, a great while.

*L. Ch. J.* That is the thing, that she should say he was a great Rogue, and yet afterwards tamper with him.

*Mr. Ser. Maynard*, There was some love betwixt them, and they did keep company together.

*Mr. Sol. Gen.* This is before she began to tamper with *Mr. Dugdale*, but that we call this Witness to prove is, that she did afterwards tamper with him as *Mr. Dugdale* tells you.

*L. Ch. J.* And the thing I say is, would she go to tamper with one she had that Opinion of? 'Tis not impossible to be so, but it is not likely.

*Mr. Sol. Gen.* It is not impossible nor improbable at all with submission, who should she tamper with but a Rogue, or one that she thought would be so?

*Mr. Just. Pemberton*, She thought as all the other Catholicks did, and did desire to withdraw him from his Evidence against them.

*Mr. J. Dolben*, And notwithstanding that she called him Rogue, yet still the Witness says, he thought there was matter of love between them.

*Mr. At. Gen.* Then we will call you *Crosse*, the man of the Tavern.

*Mr. J. Pemberton*, It was about a matter that concerned the whole Catholick party, and if you ask them they will call them all Rogues. But afterwards they will begin to tamper one with one, and another with another.

*Mr. Serj.*

Mr. Serj. Mayn. And they take the same Method with every one of them.

Mr. Just. Jones. But this is that that is said in confirmation of Dugdales Evidence, that Dugdale did immediately after tell him, that her business was to get him to retract his Evidence.

Mr. Just. Pemb. And he overheard so much, that she desired of him to be kind to Harcourt, who was her Ghostly Father.

Mr. Sol. Gen. Now my Lord, as we have produced one witness to confirm one part of Mr. Dugdales Evidence, now we shall produce another witness to prove the Subsequent discourses and her perswasion of him to retract and to signe the Note. And for that we call Dr. Chamberlain.

Mr. Attorn. Gen. We will call Crosse first to prove the meetings at the Tavern, he is the man of the Tavern. ( who was Sworne ).

L. Chief Just. Come ask your Question now ?

Mr. Belwood. Pray what can you say concerning Mrs Prices discourses with Mr. Dugdale ?

L. Chief Just. Do you know Mrs. Price here ?

Mr. Crosse. Yes, I do know her very well.

L. Chief Just. What say you then to her ?

Mr. Crosse. I never heard any discourse from them but what was common.

Mr. Just. Dolben. But they have been often there only them two, have they not ?

Mr. Just. Pemb. Did she ever come to your house ?

Mr. Crosse. She hath been there several times.

Mr. Attorn. Gen. I would ask you this Question Sir, whether she used not to come there, and lend for Mr. Dugdale when he hath not been there ?

Mr. Crosse. Yes, she hath been there often to enquire for him.

Mr. Attorn. Gen. What, frequently ?

Mr. Crosse. Yes, a great many times.

Mr. Attorn. Gen. About what time of the year ?

Mr. Crosse. Last Summer in June July and several moneths.

L. Chief Just. What say you to September and October ?

Mr. Crosse. I can't say the particular moneths, but she hath  
H been

been there, and desired me to send for Mr. Dugdale, for she had earnest business with him.

Mr. *Attorn. Gen.* Was it presently after he came to Town?

Mr. *Crosse.* My Lord, she sent for him before he went out of Town, and after he came to Town, before he went to the Assizes, and since he came from the Assizes.

Mr. *Attorn. Gen.* Pray did you never hear them speak about a Priest, one Parsons?

Mrs. *Crosse.* I have heard somewhat about Mr. Parsons, that Mrs. Price did speak to Mr. Dugdale, that he should not proceed farther against him than he had done.

L. *Chief Just.* Did you hear her talk about Harcourt?

Mr. *Crosse.* Yes, I have heard her speak something, but I do not know the particulars of it.

L. *Chief Just.* But you have heard her name Harcourt's name?

Mr. *Crosse.* Yes, I have.

L. *Chief Just.* You do not pretend this man was by at the Agreement?

Mr. *Attorn. Gen.* No, we do not. But only to prove they had frequent discourses together, and that she sent for him often about business.

L. *Chief Just.* And 'tis to the same purpose that the other was called for, only in confirmation.

Mr. *Sanders.* My Lord, we pray he may be asked, whether Mr. Dugdale did not sometimes send for Mrs. Price?

Mr. *Crosse.* Not upon his own Account as I know of, for I have told you she hath been there, and lest word she must needs speak with him, and when he hath come she hath been sent for.

Mr. *Sanders.* Do you know she hath been sent for at any other time?

Mr. *Crosse.* Not that I know of. But when he was in the Country she came to our house, and desired that when ever he came to Town she might speak with him about earnest business, and she was sent for.

Mr. *Scroggs.*



Mr. Scroggs. But he does not say any thing of Mr. Tasborough?

L. Chief Just. No. He came only to the Prison, and that other place.

Mr. Attorn. Gen. Now, my Lord, if your Lordship please, Mr. Dugdale did mention a matter that some persons were by direction to stand by and hear their discourse; we have these persons here, who will tell you how it was, Dr. Chamberlain and his Clerk.

Dr. Chamberlain. My Lord, some time in September, Mr. Dugdale acquainted me, that there was a design to draw him off from his Evidence, and he told me that the Duke of York was named in it. I said, if it were so, it were a thing of great moment, and if it could be confirmed it were well. He told me, if I would come to his Chamber some morning, Mrs. Price should be there, and I should hear the discourse; and accordingly I did come the 21<sup>th</sup>. or 22<sup>th</sup>. of September, and was there about an hour, and went into the Closet with my Clerk, and bid Mr. Dugdale speak with an indifferent voice, to see if I could hear what they said. He did so, and we did hear him. At length Mrs. Price came, the Gentlewoman I had never seen, but he called her by that name, and she answered to it. They had several discourses, I could not overhear all, but the sum was that the Spanish Embassador was unwilling to treat with him, because it was dangerous, and he must make use of an Interpreter, and that the Duke of York would protect him, pardon him and give him a thousand pound to maintain him: You know says he, Mrs. Price, that I began not this intrigue with you, but you proposed it to me. She owned it, that she had proposed it to him.

L. Chief Just. Now how can you tell this is the Gentlewoman?

Dr. Chamb. Nay, I don't know that, my Lord.

Mr. Attorn. Gen. We don't pretend that, but will prove it by another Witness by and by.

Dr. Chamb. It was about the 21<sup>th</sup>. or 22<sup>th</sup>. of September, a Monday morning as I remember.

Mr. Just. Jones. Was Tasborough there?

*Dr. Chamb.* No, my Lord, none but them two.

*L. Chief Just.* Well, go on, Sir.

*Dr. Chamb.* She did pers Mr. Dugdale very much to go with her to the Gate-house, he would willingly have excused it, but she pressed him so earnestly, telling him she would not go without him, that they went together, and he came up afterwards to me, where I had staid all the time.

*L. Chief Just.* Did you hear her say any thing what she would have him do for that thousand pound?

*Dr. Chamb.* I cannot tell truly any thing, but only to be gone.

*Mr. Just. Pemb.* You could hear that?

*Dr. Chamb.* Yes, my Lord, I did.

*L. Chief Just.* Whither?

*Dr. Chamb.* Nay, I don't remember that.

*Mr. Serj. Mayn.* This was before the Nore, my Lord.

*Dr. Chamb.* Yes, my Lord, for that, was brought me afterwards.

*Mr. Recorder.* Call the other Witness, *Cleave.*

*L. Chief Just.* How was this before *Harcourt's* tryal?

*Dr. Chamb.* I don't know that, my Lord, it was in September.

*Mr. Just. Pemb.* But the tryal was long before that, soon after *Trinity Term.*

*Mr. Sol. Gen.* Pray, what did Mr. Dugdale say to her when she pressed him to be gone, did he not make any Objection?

*Dr. Chamb.* Possibly he might, I did not hear all that was said.

*Mr. Cleave.* I was there the 22<sup>th</sup> of September.

*L. Chief Just.* In the Clofset with Dr. Chamberlain?

*Mr. Cleave.* Yes, my Lord.

*L. Chief Just.* Had you ever seen Mrs. Price?

*Mr. Cleave.* No, never in my life, as I know of.

*L. Chief Just.* What did you hear then?

*Mr. Cleave.* Before that Mrs. Price came. We shut up ourselves in the Clofset, and desired Mr. Dugdale to make a feigned discourse to see whether we could hear him, and he did so, and

we heard indifferently well. We bid him to speak a little loud that we might be sure to hear him. We staid there almost half an hour before she came. Afterwards she came up and Mr. Dugdale saluted her by the name of Mrs. Price, to which she answered. He asked her, When shall I go to the Spanish Ambassadors? [ This I heard distinctly ; for I could see her body, but not her face, she stood with her back to the door ] 'Tis not convenient at present, said she, to go; for his Interpreter is out of Town. Then Mrs. Price was saying, If so be you will come over to the Church of Rome, and take off your Evidence, you shall have 1000*l.* secured to you : but how, said he ? Said she, I will bring to you in a weeks time a person of Quality that shall secure and confirm it to you.

Dr. Chamberlain. That I heard too.

Mr. Cleave. That will be well, said Mr. Dugdale ; I had rather do that way than any other. Said she, you shall have the Duke of York's protection, and a pardon not only for your body, but for your soul.

Mr. Serj. Maynard. A large proffer !

Mr. Cleave. And afterwards, said he, if I should come over again to the Church, what signifies my going out of the way when there is Dr. Oates and others to go on with the Evidence. Said she, We do not care so much for them, for the Dukes eye is only upon you.

Mr. Just. Pemberton. Did you hear that, Dr. Chamberlain ?

Dr. Chamberlain. No, my Lord ; the Duke was named indeed, but I do not remember that particular. And she several times desired him to speak softly ; and then Mr. Dugdale was so honest, that he repeated it over again, that if we had not heard him before, we might understand him.

L. C. J. Now prove this Gentlewoman to be the person.

Mr. Cleave. She afterwards pressed him to go with her to the Gate-house, which he seemed unwilling to, but went, and we have a man here that stood below the stairs, that saw her come in and go out.

Mr. Serj. Maynard. Call Holmes (who was sworn) What can you say about this Mrs. Price ?

L. C. J. Do you know Mrs. Price ?

Holmes. Yes, that is the woman.

Mr. Belwood. Did you see her at Dr. Chamberlains ?

Holmes. I saw her at Mr. Dugdale's that morning that my Master was there.

L. C. J. What time do you speak of ?

Holmes. The 22d of September I went along with my Master.

L. C. J. Who is your Master ?

Holmes. Dr. Chamberlain.

L. C. J. What day of the week was it ?

Holmes. On a Monday morning between eight and nine a clock.

Mr. Just. Dolben. That is the same time you speak of, is it not ?

Dr. Chamberlain. } Yes my Lord, he went along with us.  
and Mr. Cleave.

Holmes. This is the woman that came down with Mr. Dugdale ; I took great notice of her, and know her very well again : there were some words spoke in the shop, but I don't know what they were.

L. C. J. Dr. Chamberlain, she went out of the chamber with him, did she not ?

Dr. Chamberlain. Yes, my Lord, she did.

L. C. J. How often have you seen her ?

Holmes. I saw her go into the house, come out with Mr. Dugdale to go to the Gatehouse, and when they came back again from Westminster from the Gatehouse.

L. C. J. How often have you seen her besides ? you took notice of her when she came down stairs, and when she came back again ?

Holmes. Yes.

L. C. J. And this is the woman upon your Oath ?

Holmes. Yes, upon my Oath.

Mr. Just. Pemberton. She came down with Dugdale, and would have him go along with her to the Gatehouse.

Mr. At. Gen. My Lord, we say that Mr. Dugdale did acquaint Mr. Hambden, and Mr. Charlton, and my Lord of Shaftsbury with the business ; we desire Mr. Hambden and Mr. Charlton may be called, who promised to be here (*but they appeared not*).

Mr. At. Gen. Then my Lord, here are the Clerks of the Council, they will all give your Lordship an account, that this woman and the Gentleman did acknowledg this matter before the Council, and there did deny what they had sworn at first.

L. C. J. Who do you swear first ?

Mr. At. Gen. Sir Robert Southwell. [ *Which was done* ].

L. C. J. Come Sir Robert, what do you know ?

Sir Robert Southwell. My Lord, she, this Gentlewoman Mrs. Price, was about the 23<sup>d</sup> of October examined before the Council, and being examined, we were commanded to take notes, the several Clerks of the Council, and we did take notes, which were long ; and my Lord, I must refer to those Notes.

Mr.



Mr. Just. *Pemberton*. Have you those Notes ?

Sir *Robert Southwell*. Yes. 'Tis hard for me to give my evidence, unless some particular question be asked me, because they are very long.

Mr. *At. Gen.* Then I ask you, sir, this particular question, Whether that Gentlewoman did acknowledg the paper she is charged with ?

Sir *Robert Southwell*. My Lord, I do remember Mrs. *Price* when she was asked who it was that framed the paper for her, (because it seemed to the Lords as if it had been a thing so very well framed, that it was beyond a womans capacity to do it). Mrs. *Price* said, that she studied it her self, and indicted it her self ; and one Mrs. *Man* as I think, writ it out for her ; but she took it upon her self that she had studied it ( that particular word ) and contrived it.

Mr. *At. Gen.* What did Mr. *Tasbrough* say ?

Sir *Robert Southwell*. My Lord, I do also remember that Mr. *Tasbrough* was cited before the Council-board ; and being asked about this paper---

L. C. J. Was it shewn him ?

Sir *Robert Southwell*. I verily believe it was. It was read to him. Mr. *Tasbrough* did speak very cautiously, and as prudently as he could in the matter. He did not positively say he had pressed Mr. *Dugdale* to sign it ; but did tell Mr. *Dugdale*, That unless he did sign it, he could not proceed to get him any favour, for that was to be the foundation to testify that he was a man of that sorrow that he had expressed himself to Mrs. *Price*.

L. C. J. Did he own that to Mr. *Dugdale* ?

Sir *Robert Southwell*. Yes ; and he added (my Lord) further ( to do him justice in all he said ) in case Mr. *Dugdale* had signed the paper, he would presently have carried it before a Magistrate.

Mr. *At. Gen.* I think we need not trouble your Lordship any further at present ; we leave it here till we hear what they say.

Mr. *Saunders*. May it please your Lordship, and you Gentlemen of the Jury, I am of Counsel for Mrs. *Price*, that is one of the Defendants in this Indictment, which as hath been opened, does set forth, That she did contrive to suborn the Kings Evidence before the Trials of those persons, and to suppress it ; and afterwards to retract the Evidence given, and go off from what before he had sworn, to disparage the Justice of the Realm, and to make it be believed that those persons who were condemned and executed for this Conspiracy, were inno-

innocent, and had wrong done them by him. Now for that matter, that which we have to offer for her is this: Mr. *Dugdale* and Mrs. *Price* were fellow-servants in my Lord *Aston's* Family, and there they did contract a more than ordinary familiarity, for in truth they did contract a marriage, and Mr. *Dugdale* did promise her marriage; but afterwards Mr. *Dugdale* having some other design, did desert her, and she came to *London*, and lived here; but afterwards when he came up to *London*, he thought fit to renew his suit, and did not only send for her when he first came to *London*, but we have it in proof, that from time to time he had continually sent for her, and would not be quiet without her; and when she denied to come upon his sending in his own name, he sent in another womans name, whom he knew to be an acquaintance of hers; and thus there continued all along a great intimacy between them, insomuch that several persons, and amongst them one of the Kings Witnesses, did observe they were speaking about marrying, and did think they did intend to be married in a short time: my Lord, what discourse might pass between them, I don't know; for ought I perceive she is proved to be a Papist, and 'tis very like she would sollicite one with whom she had that familiarity, for those of her own party, as much as she could; but as far as I perceive by this evidence that hath been given, he under colour of kindness, and pretence that he would marry her, and sending for her from time to time; at last roid his hands of her, hath put this upon her, That she should sollicite to suborn him against his Conscience to withdraw his Evidence; she is a kind of weak Solicitrix for matter of judgment and reason; I know not what other prevalency she might have with him by any other thing; but for judgment I think---

*L. C. J.* If she penn'd that her self, as she did acknowledg and avow she did, she was a woman of good judgment certainly.

*Mr. Saunders.* I perceive he was of good judgment to get rid of one he was weary of, by this means.

*Mr. Just. Pemberton.* Alas! alas! this is such a design indeed of counterproving the Kings Evidence.

*Mr. Saunders.* Mr. *Dugdale* hath sworn, That this was her Intrigue, and she first began with him; if Mrs. *Price* be admitted to swear who is the Defendant, as well as Mr. *Dugdale* who is the prosecutor, she would tell you that Mr. *Dugdale* did contrive this matter himself.

*Mr. Just. Pemberton.* She would destroy his Evidence that way, that is very well.

*Mr. Just. Dolben.* Dr. *Chamberlain* and his Clerks both swear, that he

he told her, *You know it was not I begun this Intrigue, but you.*

*Mr. Saunders.* And if she had had but so much wit to have planted witnesses to have taken advantage of his words, she had counter-worked him.

*Mr. Just. Pemberton.* They will learn such ways soon enough of themselves, you need not teach them.

*Mr. Saunders.* If you please we will go on with our Evidence, and call witnesses to prove, that *Mr. Dugdale* had contracted himself to her in marriage; and this is a very unkind ill thing in him to serve us thus.

*Mr. Just. Pemberton.* *Mr. Saunders*, you ought to remember *publica privatis*, &c. A man should prefer the publick good and safety of the Nation before such a mistress as this is.

*Mr. Just. Dolben.* But hitherto the proof runs, that she sought him, and not he her.

*Mr. Saunders.* But they were contracted first.

*Mr. Just. Dolben.* And you hear what the master of the Horsehoe says about her leaving messages for him.

*Mr. Just. Pemberton.* He hath very good reason why he should not marry her, for what I can perceive.

*L. C. J.* 'Tis much they should be contracted, when she told him he was a great Rogue.

*Mr. Saunders.* It may be she might; I know not what cause he hath now to be displeased with her; but it may be she might be displeased with him then. But I beseech your Lordship and the Jury to observe, that though she did tell him he was a Rogue, yet it was afterwards that she did solícite and suborn him.

*Mr. Just. Pemberton.* And therefore she thought plainly he was fitter for her purpose, because she took him for a Rogue.

*Mr. Saunders.* But if she had a purpose to suborn him, she would not call him Rogue to his face; that was not the way to insinuate into him. I desire *Sir John Nicholas* may be sworn [which was done.]

*L. C. J.* What questions do you ask *Sir John*?

*Mr. Saunders.* I desire, my Lord, *Sir John* would tell us, whether *Mr. Dugdale* in his hearing did not own he was contracted to *Mrs. Price*?

*Sir John Nicholas.* No truly sir, that I know of.

*Mr. Saunders.* Pray sir will you please to recollect it; it was when *Mr. Dugdale* was before the Council.

*Sir John Nicholas.* *Mr. Dugdale* did then own some proposals of marriage, but nothing of a Contract.



L. C. J. 'Tis your women-witnesses are like to do that.

Mr. Saunders. That is all, Sir, you remember?

Sir John Nicholas. Yes.

Mr. Just. Pemb. Have you put the best foot forwards, Mr. Saunders?

Mr. Saunders. Which is Mary Benwell? swear Mary Benwell (*which was done*). We will now prove he sent for us several times. We did not go after him so much. What do you know concerning Mr. Dugdales sending for Mrs. Price?

Benwell. He sent for her to my house several times.

L. C. J. Did he lye at your house?

Benwell. No, my Lord, he did not.

L. C. J. Where is your house?

Benwell. In Browklow-street.

L. C. J. What is it a publick house?

Benwell. It is an Alehouse, the Green-Lettice.

Mr. Just. Dolben. He told you so himself, that he did meet her at the Green-Lettice.

L. C. J. What was their discourse when they met?

Benwell. I know nothing of that, I did not hear him say any thing; but only he would come in, and say, Let your boy go for Mrs. Price.

L. C. J. When was this?

Benwell. The last time was Sunday sevennight before she was taken.

Mr. Recorder. She always came when she was sent for?

Benwell. Yes, if she was within.

Mr. Saunders. How often did he send for her?

Benwell. Above twenty times.

L. C. J. What great inference can you make from that? methinks 'tis as much against you as it is for you; for it proves there was a great familiarity and frequent meetings between them; and if it be so, it shews as if she had that great confidence in him, as to attempt upon, and attack him in this affair.

Mr. Justice Pemberton. Indeed Mr. Saunders, if you would have proved an Inducement to Mr. Dugdales Evidence, you could not have proved it better, that she had a great Confidence in him; she had an opinion, and reckoned he was true to her, and so had a greater influence over him than another.

Mr. Justice



Mr. Justice Jones. He sent for her to the *Green Lettice*, she sent for him to the *Horse-shoe*; the Master of the house sweareth that she sent for him Twenty times, so they might send for one another Twenty times apiece.

Mr. Justice Dolben. And he never came to seek for her but when she had been there, and left word for him before.

Mr. Saunders. Now, my Lord, if you please, we will go on to prove, That when she refused to come, he sent for her in another bodys name.

L. C. J. What will that do? or what does that prove?

Mr. Saunders. It is not probable then that she should solicit him. And just at the last here are some Witnesses planted, and some words are taken from her mouth, that it was her Intrigue all along.

Mr. Justice Pemberton. Mr. Saunders, you do not shew the time when those frequent sendings and comings were.

L. C. J. It shews that which they have proved, that she believed he was fond of her, and she was confident of him.

Mr. Justice Jones. I suppose Mr. Saunders means, and does drive at this, to shew that it was to drive on the Intrigue on his part, that these frequent Messages were sent.

*Then another Woman Witness was called and sworn.*

Witness. My Lord, at the time that the Proclamation was for the Banishing of all Papists out of Town; she came to me, and said, If Mr. Dugdale come to ask for me, don't offer to tell him where I am.

L. C. J. When was this?

Witness. Long before Easter-Term, before the Papists were Banished out of Town.

Mr. Just. Pemberton, } This was another part of the Intrigue.  
and Mr. Just. Jones. }

Witness. So Mr. Dugdale came to me, and asked me where Mrs. Price was? I told him I could not tell; but if you have any

Letters

Letters, I will convey them by a messenger, or some Foot-boy to her.

Mr. Justice Jones. Did he send for her at any time in September?

Witness. The last time he sent for her was the Sunday was seven night before she was taken.

L. C. J. Did he frequently send for her a month or six weeks before that?

Witness. Yes, several times.

Mr. Saunders. Then swear Bridget Lee, (which was done.)

Mr. Saunders. Pray Mistress, you that spoke last, did Mistress Price ever deny her self to him, but that once when she left that word with you?

Witness. Never to me, my Lord, but that time.

Mr. Saunders. Bridget Lee, pray tell my Lord, whether Mistress Price did deny her self, and the way he used to get her to him?

Lee. Mr. Dugdale came into this Gentlewomans house, and coming into the House, I was in the passage, he asked me, Sweetheart, let me speak with you; he desired me to tell him, where Mistress Price was? I told him I could not tell: I wish said he, you would fetch her to me: No, said I, I would not do it for five Shillings: He clapped his hand in his Pocket, and said he, I will give you five Shillings: No, said I, I will not do it if you would give me five Pound, *let every Tub stand upon its own bottom.*

L. C. J. What did you mean by those words, *Let every Tub stand upon its own bottom*?

Lee. I would not meddle nor make with any thing but my own Concerns.

L. C. J. How long was this before the Trial of Harcourt?

Lee. A quarter of a year before that.

Lord Chief Just. It was before he went out of Town, the Circuit.

Lee. Yes, my Lord, so it was.

Mr. Just.

*Mr. Justice Pemberton.* There had been no tampering then, this was before the tampering.

*L. C. J.* It is no matter when the tampering was, but when *Mr. Dugdale* sent for her, and she refused.

*Mr. Saunders.* I wonder what they did together all the time before, if they were not tampering.

*L. C. J.* They made Love together.

*Mr. Saunders.* What was the occasion that she refused?

*Witness.* I understand that *Mr. Dugdale* did find I was fearful of my self; You may venture, said he, for I would not do her the least wrong, nor the least hair of her head should not perish.

*L. C. J.* This was long before he went into the Country?

*Witness.* Yes my Lord.

*L. C. J.* Before the tampering?

*Witness.* Yes, my Lord.

*Mr. Saunders.* Where is that other Witness *Mrs. Holland*? (who was Sworn.) What do you know of *M. Dugdales* tending for *Mrs. Price*? I would know the last time, and where it was.

*Holland.* My Lord, I do not know what place it was he sent for her to, nor the last time, but it was since *Christmas*.

*L. C. J.* Since *Christmas*?

*Holland.* No, before *Christmas*, I do not remember the day.

*L. C. J.* How do you know that he sent for her?

*Holland.* I was told by the People so, That a Messenger was come from him for her.

*L. C. J.* You did not see him?

*Holland.* No I did not.

*L. C. J.* She says nothing to the purpose.

*Holland.* I know *Mr. Dugdale* was in her Company one Sunday last Lent, and was there two hours.

*Mr. Justice Jones.* 'Tis agreed of all sides they were Acquaintance, and had great familiarity.

*Mr. Justice Pemberton.* Ay, or she would never have had the confidence to have attempted upon him in this manner.

L. C. J. Well, Have you any more?

Mr. Saunders. Here is one more, that is Mrs. Sheldon.

L. C. J. What do you call her for?

Mr. Saunders. To prove that there was a Note left to warne her to avoid Mr. Dugdales Company.

Mr. Justice Pemberton. Why did you not?

Mr. Saunders. It had been better for us if we had.

L. C. J. When was that Note?

Mr. Saunders. Lately.

L. C. J. That will do no good.

Mr. Justice Pemberton. Come, call her however, they will say, Their Witnesses were not heard else. (And she was called, but did not appear.)

L. C. J. Come, she is not here.

Mr. Saunders. Then, my Lord, we offer this as Evidence, That we had no Design to Suborne him to Retract what he had said; the occasion of our being with him, we have given you an Account of.

Mr. Justice Pemberton. Why did you Write your Note then?

L. C. J. Mr. Saunders. What you have said amounts to nothing to avoid the Evidence that hath been given for the King; for all your Testimony sayes little more, then what he said at first; That we were Fellow-Servants, and well acquainted. We made frequent Visits, and when I came to Town I went to see her, and she came to me; they had no Discourse of this same matter of tampering till the day before Harcourts Tryal, but Sir Robert Southwell does say, She owned that she did study the Note, which is the great business in the Case: For if she prepared the Note for him to sign, What can be said more?

Mr. Saunders. We can say no more, but that Mr. Dugdale might Dictate it.

L. C. J. No, she owned she Dictated it, and got Mrs. Man to Write it for her.

Mr. Saunders. I do not know my Lord——

L. C. J. But you may know if you will, for Sir Robert Southwell hath Sworn, That she being Examined at the Council-Board, the Lords of the Council had so good an Opinion of the Skill of it, that they Asked her, Who framed it for her? and she Answered, She did it her Self.

Mr. Justice Pemberton.



*Mr. Justice Pemberton.* *Mr. Saunders*, if you be not satisfied, here is another of the Clerks of the Council.

*Sir John Nicholas.* All that *Sir Robert Southwell* hath said is true.

*Sir Tho. Doleman.* All that *Sir Robert* hath said I can Sweat to every particular.

*L. C. J.* Well, What say you *M. Pollexfen*?

*Mr. Pollexfen.* My Lord, if you please to spare me a Word for the other Defendant *Mr. Tasborough*; there is in the Indictment two things charged on the Defendants, one, that they should perswade *Mr. Dugdale* not to give Evidence against *Harcourt*; for that, there is no manner of Evidence against *Mr. Tasborough*, but he ought to be found Not Guilty for that part.

*L. C. J.* That is true, of that he must be Acquitted.

*Mr. Pollexfen.* Then for the other part of the Charge, That they should endeavour to perswade *Mr. Dugdale* to Retract the Evidence he had formerly given for a Sum of Mony, and other Rewards, We do Reckon, that as this Evidence stands before your Lordships, whatsoever is proved against *Mrs. Price*, will have no influence upon *Mr. Tasborough*, for although *Dugdale* and *Price* have had Practices and Designs amongst themselves, unless he be a Party to them, if he have not a part in them, they will not affect him: Then the next thing is, we must distinguish the Evidence as it stands; or else it may not be by the Jury so well understood how they are differenced one from another: for I would not mince the Evidence, but let it stand as it is; and how far *Mr. Tasborough* is concerned in it, and how far may be done by him as an honest man in this matter, or how far it is an illegal Act, will be to be determined by you. Now there is only two meetings that *Mr. Dugdale* hath had with *Mr. Tasborough*; and in the next place, there is no other Witness to prove it, but *Dugdale* himself, excepting only what *Sir Robert Southwell* says of the Confession at the Council, which I think will not be very much neither, as I shall shew when I come to that particular. *Mr. Dugdale* says, that at the first meeting, the 15th of October, at the Green Lettice in Fullers Rents, *Mr. Tasborough* did say unto him, That *Mrs. Price* had told him, *Mr. Dugdale* would Retract his Evidence, and he was come to Confirm what she had said.

*L. C. J.* Nay

*L. C. J.* Nay, but what she had Promised.

*Mr. Pollexfen.* Yes, what she had promised. And that he came from the Duke, and that it was Charitably done of him to Retract, he goes no further, And that if he had done amiss, he should be sorry for it. This is the Evidence, as near as I can remember to repeat it.

*L. C. J.* Part of it.

*Mr. Pollexfen.* As to the First meeting.

*Mr. Just. Pemberton.* Look you, do not mistake *Mr. Pollexfen*, but observe this; For *Mr. Dugdale* does Swear he told him, If you will Retract the Evidence you have given, then all she hath promised shall be made good.

*Mr. Pollexfen.* That he came to Confirm what she had Promised. I would Repeat it as right as I could, because, my Lord, I hope, as this Case stands, that notwithstanding all that hath been proved, yet *Mr. Tasborough* hath done nothing amiss. Then I come to the Second meeting.

*Mr. Justice Pemberton.* At the first meeting the Note was produced.

*L. C. J.* No, I think not.

*Mr. Justice Dolben.* Yes, my Lord, it was.

*L. C. J.* Was it *Mr. Dugdale*?

*Mr. Dugdale.* Yes, my Lord.

*Mr. Pollexfen.* Yes, he does Swear so, and that he Read it, and press'd *Mr. Dugdale* to Sign it; And that this was the last time, and it must be done before the Duke went into Scotland, or something to that purpose. This, my Lord, under favour, may all stand and be very true, and yet *Mr. Tasborough* not Criminal, with Submission: for if so be *Mrs. Price* were so far in her intercourse with *Mr. Dugdale*, that as appears by his own Evidence he did seem to comply and Treat, as if he were yielding, and to do what they would have him do, concerning his going beyond Seas, or being kept in a Protestant Lords House, and she had such Confidence as to tell him how the Priests were sent away, and how he might be conveyed away. All this thus far comes to agree with what *Mr. Tasborough* says for his own Defence: For *Mr. Tasborough* says, *Mrs. Price* did tell me, that *Mr. Dugdale* was sorry for what he had Sworn, and would Retract all the Evidence he had formerly given. Thus he says: I'll apply it to our Case anon; and  
this

this appears by Mr. *Dugdale's* own Evidence ; for when he does Repeat what Mr. *Tasborough* told him, he says, that he said, Mrs. *Price* told him of it, and he hath not told you, that he did contradict it for false.

Mr. *Justice Pemberton*. Pray consider, he tells you, that *Tasborough* said, that Mrs. *Price* had acquainted him, with what Propositions she had made of 1000 l. and that he was the man that was come to confirm the Promises She had made.

L. C. J. That presses you, that is the truth of it. If that had not been in the case, perhaps you don't talk much out of the way. 'Tis true, your Observation is right.

Mr. *Just. Pemberton*. 'Tis ingenious indeed, but 'twill not hold out.

L. C. J. When *Tasborough* comes into the Company to be acquainted with *Dugdale*, at that time Mr. *Dugdale* had been advised to comply, or seem to do so to find out the Plot and Design, and what he could get out by it. And without Question, to pursue that end, he did shew yieldingness; and as you observe, for ought *Tasborough* knew, she might be sincere: But was it a good way for him to tell him? there is the matter in effect, he does tell him so. If you will Retract your Evidence according to this Note that was produced by her, and read by him, you shall have 1000 l. for your paines; Can you answer that?

Mr. *Justice Pemberton*. Or can you Answer th' other, that he should say, She hath Acquainted me what you propose, that is, That you would Retract all, and go out of the way, and be no more an Evidence; and if you would do that, that she hath Acquainted me with her Proposition, which I come to Confirm, that she would give you 1000 l. What can be made of that?

Mr. *Justice Dolben*. And withall, formerly there was a Discourse of some person of Quality that should come to him: he desired that some such one should be a Security for the money, and afterwards she brought Mr. *Tasborough*, and said, That was the Gentleman she told him of.

Mr. *Just. Pemberton*. Come, Mr. *Pollexfen*, take this too, What had Mr. *Tasborough* to do to use the Duke of

*York's Name?* And to say, That he had Authority from him to propose these things, which certainly is a very great wrong to so great a Prince.

*L. C. J.* That needed not to a penitent person, that was sorry for what he had done.

*Mr. Pollexfen.* He does indeed say, That *Mr. Tasborough* should be the man that should secure the money.

*Mr. Sol. General.* And there is one thing farther, to take in all that *Mr. Tasborough* did likewise say to *Mr. Dugdale*, That there is no harm in doing this, that it is a very Charitable Act, and that he would do well in it.

*L. C. J.* But they answer that, by saying, supposing it to be true, that *Dugdale* had Remorse, then it would be a very good Action, but to Talke of 1000*l.* to be given for it, there is the Crime.

*Mr. Pollexfen.* Whether my Answer will take with your Lordship or no, I can't tell; but the Answer I would give is this; There are several things in that Paper, as amongst the rest, That he should fall under great dislike, and danger, and therefore was forced to hide and secure himself for fear of those whom he should make his Enemies by it, and that was terror enough to any man that should run into such a Retraction. Therefore now he must live when he hath done this, and so we should apply the other part of the Discourse, whatever Money she had promised to take off his Fears of Want, and so his coming there was to make good that part of the Paper, which says, he must be protected and maintained, and preserved, that he may see he hath a subsistence and provision for him, if he did deserve it. And, my Lord, it will be greatly distinguishing in our Case, and turn much upon this point, with submission, if I give or offer money to any man to Swear a Falshood or Retract the Truth, 'tis a very great Crime, and if we are Guilty of that, undoubtedly our Crime is very bad; but in order to the bringing of Truth to discovery, and to have a Retraction not of a truth but of a falshood, and to preserve that Witness from perishing, I may promise him protection and subsistence.

*Mr. Sergeant*



Mr. *Sergeant Maynard*. Then you have found out a better way than the Devil himself could have suggested to uphold Subornation.

L. C. J. Upon my Word, if that were a way that were allowable, then woe be to us, we should easily have all the Witnesses tampered with by the Temptation of 1000 *l*. Reward. Do you think that is a good thing, for a Man to say, This thing was rashly said, if you will unsay't, you shall have such a Reward. People would be apt to bite at such a Bait, and we do not live in so Vertuous an Age, that 1000 *l*. will not Tempt a Man to unsay what he hath said at first, though what he said then was true.

Mr. *Pollexfen*. It were an unjust and unfitting thing, if it were as you say.

Mr. *Justice Pemberton*. Nay Mr. *Pollexfen*, consider, these things must not be done by any one; their way, if they had been convinced of the Truth, had been to have carryed the Complaint to a Magistrate, and there to detect him by what he had said: not to Corrupt him, and persist in it, by telling him, if he would do so and so, he should have 1000 *l*. By this you let in all manner of Temptations to Witnesses, that we shall never know where we are.

L. C. J. Come, Mr. *Dugdale* (because I will shew you all very fair play, I think very well of Mr. *Dugdale*.)

Mr. *Justice Pemberton*. He hath carryed himself always well.

L. C. J. Yes truly, I know nothing to the contrary; and pray tell upon your Oath, and tell the truth, Did Mr. *Tasborough*, when he Read the Note, ask of you, Is this true? Did he inquire of you, Whether or no you were really a Convert, and Whether your Sorrow and Repentance were true?

Mr. *Dugdale*. No, he never did.

L. C. J. Did he ask you, if you could do it with a safe Conscience?

Mr. *Dugdale*. No, nothing of Conscience was ever named in it.

L. C. J. Did he ask you whether it was true?

Mr. *Dugdale*.

*Mr. Dugdale.* He never named truth nor falshood. It was only to get me over to Retract what I had said.

*Mr. Just. Pemberton.* What is a Temptation if this be not?

*L. C. J.* Truly I ask this Question, that the World may see we would find out the Truth by all the ways we can; for if he had been solicitous with him, and asked him, Whether he could do this safely, and with a good Conscience, and Whether the matter of it were true, it would have gone a great way; but now I have Asked *Mr. Dugdale* this upon his Oath, and he sayes it was only to get him over to them.

*Mr. Just. Pemberton.* And then consider all that is said against *Mrs. Price*, is turned upon you, except that of the contrivance to keep him from giving his Evidence against *Harcourt*. A very subtil Invention it was; but whether *Mr. Tasborough* was in the business of the Note, in Contriving it, I cannot tell, and it signifies nothing. But she having contrived as ill a Note as can be Penn'd, he is as much Guilty, for he Solicits as well as she, and countenances it so far, as to Undertake farther, that the Money and the Bribes she had offered, should be paid and made good.

*L. C. J.* *Mr. Dugdale*, *Mr. Tasborough* talked with you of going away?

*Mr. Dugdale.* Yes, my Lord.

*L. C. J.* Advised you to be gone?

*Mr. Dugdale.* Yes, he did. He told me I were best to absent my self for a while beyond Sea, and should have convenient passage.

*L. C. J.* Did he mention the Duke of York? What said he?

*Mr. Dugdale.* Yes, he said he had acquainted the Duke, and the Duke had given him Orders to press that Note home; for, said he, the Duke will not believe you will be true, if you do not sign this Note.

*Mr. Justice Pemberton.* 'Tis never to be endured, that you should abuse so Noble a Prince.

*L. C. J.* Did you tell *Mr. Tasborough* then, if I come over, there is

Oates

ates and Bedloe, and Prance still left?

Mr. Dugdale. I did say so to Mrs. Price, but never to him.

Mr. Just. Pemberton. You see then what he would have this Note signed for, to strengthen the Catholick Cause.

Mr. Thompson. my Lord, Will you please to spare me one word for Mr. Tasborough; I confess the Evidence does seem by Mr. Dugdale to press us very hard; and particularly upon that matter of the money, but as Mrs. Price had managed the business, Mr. Tasborough might have been very innocent. But, My Lord, we must make that defence for our selves that we can in a Case of this Nature, and therefore it will be, I hope, no reflection to say, We must counterprove Mr. Dugdale; and disprove him as far as we can, to acquit our selves. My Lord, it is a very great Crime that we are here charged with; and the Crime being so hairous, ought to be well proved, and with unquestionable Evidence. Mr. Tasborough, if he be Guilty of what he is here accused of, is a very ill man; but men are not drawn up to great degrees of illness so soon, as at the first act to attempt such hairous Offences; And 'tis not probable that at his first slip he should be Guilty of a fault of so high a Nature, and so very ill as this is. My Lord, We shall call some persons that shall make it appear to your Lordship, that after Mrs. Price had given us information of this repentance of Mr. Dugdale's, We did make application to a Person of very great Honour, no less than my Lord Privy Seal, that Mr. Dugdale might receive the discouragement which it was fitting he should in such a matter. My Lord, we must call our Witnesses to prove Mr. Tasborough to be a man of a very good reputation, that he never did any such thing before; and I hope, We shall give your Lordship such an account of him, that the Jury will have reason to believe, That Mr. Tasborough is not so Guilty as he is represented; but was drawn into this matter what ever it is. Pray call a Witness to shew that Mr. Tasborough acquainted any Lord of the Privy Council.

Then my Lord Chief Justice went off the Bench, to sit on Writts of Error in the Exchequer Chamber.

Mr. Justice Pemberton. If Mr. Tasborough be draw in, 'tis by Mrs. Price, but not by Mr. Dugdale.

Mr. Thompson. Is my Lord Privy Seal in Court?

Mr. Just. Jones. You know he is not here.

Mr. Just. Pemberton. You toss great names about, and make great noise with them, when you know they are not here.

Mr. Thompson. If he had not fallen ill, sure he would have been here. What say you Mr. Tasborough?

Tasborough. My Lord, I was to attend my Lord Privy Seal yesterday, and desired him to do me the honour to be here to day, because I was to come to my Tryal. He told me, he had business that would hinder him from coming; but, said he, if the Attorney-General will informe himself of me, I am ready to testify, that you gave me Information first of Mr. Dugdale's Recantation, before it came before the Council.

Mr. Just. Pemberton. We will do your Client this Right, Mr. Thompson, as to ask whether my Lord Privy Seal was at the Council, and said so much then.

Mr. Scroggs. He was not that day, but we acquainted my Lord Privy Seal before that; but Sir Robert Southwel, does him this right, as to say that he did declare, if Mr. Dugdale had signed that Note, he would have gone with it immediately to a Magistrate.

Mr. Just. Pemberton. How does that appear, he said so?

Sir Ro. Southwell. My Lord, he did further say, after he had said that he would have carried it to a Magistrate in that Case, he did say he had been once or twice with my Lord Privy Seal.

Mr. Just. Pemberton. Ay, he did say so, but there was no Evidence but his Allegation.

Mr. Just. Jones. Was my Lord Privy Seal at Council at that time?

Sir Ro. Southwell. No, I think not, my Lord.

Mr. Scroggs. 'Tis a very strange thing we should be so forward to promise for Mrs. Price, if we had not thought Mr. Dugdale real.

Mr. Just. Pemberton. 'Tis a sign you had a great inclination to the thing; Well, call your Witnesses.

Mr. Thompson. Call Sir Richard Ashfield, and Alderman Barker.

Mr. Just. Dolben. 'Tis a fine thing this to make a long brief with, to no purpose.

Mr. Scroggs. We have a swingeing brief here indeed.

Mr.



Mr. Just. Dolben. Ay, you come with a great Brief, but no Witnesses.

Mr. Thompson. If we do not call the Witnesses named in our Brief, our Client will take it ill; if they do not appear we can't help it.

Mr. Just. Pemberton. You have forgot what you moved the Court about *Tempest*.

Mr. Just. Dolben. But we have not forgotten, that about 10 dayes ago you moved to put off this Tryal, because Mr. *Tempest* was your material Witness, and being asked what he could prove, you said it was how you were brought acquainted with Mr. *Dugdale*; but because the Court did not think fit to put off the Tryal, Mr. Attorney did say he would see if he had been examined, and what he had deposed, and report it to us, and afterwards did so, and did consent here that at the Tryal you should make Use of his Examination if you pleased; but we do not see that you make any Use at all of it.

Mr. Thompson. We that are of Council must make Use of our Clients witnesses, as we have them in our Brief.

Mr. Serj. Maynard. We desire they should call their Witnesses and not name Names.

Mr. Scroggs. We desire that Examination may be read.

Mr. Att. Gen. Produce it then.

Mr. Thompson. We have it not.

Mr. Recorder. And we for the King do not use it as Evidence.

Mr. Att. Gen. Come, if it be here you shall have it read, tho I believe Mr. *Tempest* swears little to your purpose; for as I take it he saies he does not know Mr. *Dugdale* at all.

Mr. Just. Dolben. But I told you that Mr. *Tasborough* puts you upon trifles.

Mr. Just. Pemberton. But whatsoever they put you upon, you should not trifle with us.

Mr. Thompson. Do you desire they should be read, Mr. Attorney?

Mr. Just. Pemberton. We can't read them without the consent of both parties. Do you consent to them first for whom they are produced?

Mr. *Tasborough*. I only desire to know by them how I came acquainted with Mrs. *Price*.

Mr. Just. Dolben. Well, you hear what Mr. Attorney saies is in them; will you have them read?

Mr. Scroggs. 'Tis to no purpose then, if that be all.

Mr. Serj. Maynard. I desire to speak but a few words, and I am bound to speak them----

Mr. Just. Jones. Brother, they have more Witnesses.

Mr. Pollexfen. These we shall now call are to this purpose, to prove Mr. Tasborough's reputation, that he is a very honest man.

Mr. Just. Dolben. I don't see but that he may be a fair conditioned man in all other things.

Mr. Just. Pemberton. Look you, those that are in their dealings sometimes honest fair men, yet when they come to be of that Religion, there they are debauched, and there they are brought to do as wicked things as can be, in favour and to support that Religion.

*Then Alderman Barker was Sworn.*

Mr. Thompson. Do you know Mr. Tasborough?

Mr. Barker. Yes, I have known him several years.

Mr. Thompson. How long?

Mr. Barker. Fourteen or Fifteen years.

Mr. Thompson. How have you looked upon him?

Mr. Barker. I have looked upon him as an honest peaceable man.

Mr. Just. Pemberton. You have known him to be a Catholic?

Mr. Barker. Yes, that I have.

Mrs. Price. May I beg the Favour of this Honourable Court, that I may speak for my self here.

Mr. Just. Dolben. Well, come Mrs. what will you say? But we must tell the Jury before-hand it signifies nothing for Evidence.

Mrs. Price. I desire to speak the truth.

Mr. Just. Dolben. But they must not believe a word you say.

Mr. Price. Be pleased to give me leave to speak however.

Mr. Justice Jones. Well, go on.

Mrs. Price. Sir, Mr. Dugdale does here accuse me of suborning him to retract his Evidence. I do protest 'tis so far from it, that he importuned me, and solicited me to go to the Duke of York, and he told me if I would go, he would pay my Coach-hire. Is it not so Mr. Dugdale?

Mr.

Mr.

Mr. Just. Pemberton. You must not interrogate him.

Mr. Just. Dolben. The very first thing you have said hath discredited all you would say; for if Mr. Dugdale (as you say) had importuned you that you would do this thing for him, how comes it to pass that afterwards you should promise him a reward of 1000 L. and bring a Gentleman to make it good?

Mrs. Price. I assure you, my Lord, I never did.

Mr. Just. Dolben. 'Tis most apparent *Tasborough* does not deny that.

Mrs. Price. But that which is the real truth, that you say must not be believed.

Mr. Just. Pemberton. Did he solicit you to draw your Note?

Mrs. Price. Yes, he did, upon the word of a Christian.

Mr. Just. Jones. You did confess that you did study it and draw it your self.

Mrs. Price. I did so, but he importuned me to it.

Mr. Just. Pemberton. How do you prove that?

Mrs. Price. I desire to know by what words I took off his Evidence at *Harcourt's* Tryal.

Mr. Just. Dolben. You desired him to be kind because he was your Confessor.

Mrs. Price. I desire to ask him the question by what words it was.

Mr. Just. Jones. Well, you may ask him, but 'tis little to the purpose. Can you remember the words or the effect of the words that she spoke to you in the behalf of *Harcourt*? the night before his Tryal, I think it was.

Mr. Dugdale. Yes, it was the night before to desire me I would not be an Evidence against him, in regard he was her Ghostly Father.

Mrs. Price. You know you came to me, Mr. Dugdale, and told me you rid Post to Town.

Mr. Just. Pemberton. We must have no more of these interlutory discourses.

Mr. Dugdale. Mrs. Price, I would not do you the least injury in the World.

Mr. Serj. Maynard. Mr. Justice Jones, I desire a word.

Mr. Just. Jones. If you will produce any Witnesses, do.

Mrs. Price. I desire I may speak for my self.

Mr. Just. Dolben. 'Tis but reason she should speak for her self.



Mr. Just. Pemberton. But I hope if I ask unreasonable Questions he is not to be heard.

Mrs. Price. I only speak the Truth.

Mr. Just. Dolben. But we must not take your Evidence of it, produce your Witnesses.

Mr. Just. Jones. If you have any to prove what you say, call them.

Mrs. Price. Whether you will take my Evidence or not, pray let me speak for my self.

Mr. Just. Dolben. We cannot believe you, nor must the Jury believe you. I'll tell you that before hand.

Mr. Just. Pemberton. We tell you, you must not be heard. If you have any questions to ask let your Council propose them.

Mr. Just. Dolben. If you apply to the Jury, you are not to tell the matter of Fact, but to prove it to them by Witnesses.

Mrs. Price. I desire, however, I may be heard my self.

Mr. Just. Jones. If any thing hath been omitted by your Council, which is material for your defence, and you have Witnesses to prove it, they shall be called.

Mr. Just. Pemberton. Mrs. Price you must know the course of the Court, and the way of Evidence is, we are not to hear the Persons indicted make long Speeches to the Court, or to the Jury, or come with great confidence to deny the thing that is proved against them; if you have any thing material to say, we will hear you by your Council; you must not trouble us.

Mrs. Price. My Lord, I have matter enough to say, but it can't be heard.

Mr. Saunders. We desire Wright may be called again.

Mr. Just. Jones. To what purpose?

Mrs. Price. To prove that you, Mr. Dugdale, would suborn him.

Mr. Dugdale. Call him if you will, if you can prove any practices upon me.

Mrs. Price. You have good practices we know; you are a man of excellent practices; you had need commend your practices. You know very well, Mr. Dugdale, that you told me you were perjured.

Mr. Recorder. 'Tis not Language fit for you to give.

Mr. Serj. Maynard. Is that liberty of Speech fit to be given? she tells Mr. Dugdale that he said himself he was perjured.

Mr. Just. Pemberton. You are an impudent woman to talk so.



**Mr. Just. Dolben.** Your mouth must be stopped, if you can use your Tongue no better.

**M<sup>r</sup>. Justice Jones.** What would you ask him when he does come?

**M<sup>r</sup>. Price.** I have told my Council.

**M<sup>r</sup>. Saunders.** She says she would ask him whether **Mr. Dugdale** did not offer him money to suborne him in this Case. You are sworn already, Sir, are you not?

**M<sup>r</sup>. Wright.** Yes.

**M<sup>r</sup>. Saunders.** Then pray answer the Court this Question, Did **Mr. Dugdale** at any time offer you any money to take an Oath, or give Evidence?

**M<sup>r</sup>. Wright.** Offer me money?

**M<sup>r</sup>. Saunders.** Yes you. Answer upon your Oath.

**M<sup>r</sup>. Wright.** No, my Lord.

**M<sup>r</sup>. Saunders.** Or any thing else, did he offer?

**M<sup>r</sup>. Wright.** No, my Lord, He hath often sent to me to come, and when I did come, hath said, I am glad you are come, I'll do you as great a kindness, but he did not know of my coming because his Messengers had not met with me.

**M<sup>r</sup>. Saunders.** Did any one on his behalf offer you any thing?

**M<sup>r</sup>. Wright.** No, I think not; if it was, I think it was in vain.

**M<sup>r</sup>. Saunders.** But did he, or did he not?

**M<sup>r</sup>. Wright.** No.

**M<sup>r</sup>. Recorder.** If **M<sup>r</sup>. Price** hath any more such Witnesses, she may call them.

**M<sup>r</sup>. Serj. Maynard.** Sir, under your favour, here hath been a strange way of defence. Consider what a Crime we are upon, and in what times we are. That there is a Plot of a very high and transcendent Nature under Question, that divers Witnesses have been suborned, and persons tryed in this place convicted for it, 'tis undeniable. Now after Tryals for so high a Crime in the most publick way, here come **Price** and **Tasborough**; what to do? she indeed before, but both **Tasborough** and she afterwards, by Rewards, and such Temptations, Endeavours to disgrace his Evidence, but there is not only that, but the great thing looked after by their party, was, the Issue of it; upon this all the King's Evidence were to be hang'd. What hath been said is only to make a Jest, and make the Company merry, that

there was a Contract of Marriage between them, but what will be the Consequence of that? He that spoke it, has unquestionably proved the probability of our Charge, we have made it probable, and he hath proved it; and the Inference drawn by them is, She certainly did not tempt him, because she had an interest in him, which concludes very naturally. But then for the other, *Mr. Tasborough*, Alderman *Barker* comes in, and swears the Gentleman is a very honest man, I hope he did hear the Evidence, and then I wonder how he could swear it; but do we come to prove whether he be an honest man in his life? 'tis not at all our question; if we should have offered to have disparaged him in another way, we had not, I think, done our duty, and the Court would justly have reproved us for it; but there is one thing, which if it had not been spoken, I would have held my peace: How is *Tasborough* concerned in the Case? Divers have been questioned and executed for High Treason, upon *Mr. Dugdale's* Evidence; and after such an Execution, what is *Mr. Tasborough's* duty? it hath been represented as if he had been perswaded by her, and drawn in that way, and he thinking that it was a falsity, that had been sworn before, and that *Mr. Dugdale* repented of the injury he had done them, he should help to make this discovery. But what was he concerned? did he go to a Justice of Peace, or any just way? did he not contrive with the Devil rather than the Justice? 1000 l. must be paid to daaw off a man, and corrupt him, to make him own himself perjured, in a truth that had been spoken. And this is not the first time that they have done it; for we remember the Case of *Reading*, very well. I shall say no more, but this, under favour, it is not well to say, That a man may persuade another to deny his Testimony, that is nothing concerned in the Case, in a case of this publick Nature especially, and for money too, that was never meant by the Law, and I hope is not meant ever to be countenanced here. I hope the Court will give that Caution to all that hear it, as will discourage any Attempts of this Nature for the future. And that it shall not be enough to excuse it, for him to say he was perswaded, and thought his sorrow was real, and thereby to put the King's Witnesses to prove that thing to be true that they had proved already. What had *Mr. Tasborough* to do, as if he were a judge of the proceedings of the Court, and Witnesses? Nothing at all, under favour, but is a very ill man, and as such I hope shall be punished.

Mr. Just.

## Mr. Justice JONES.

Gentlemen, You of the Jury:

THESE two Persons have been Indicted for a very great Offence. The Indictment sets forth (that which we all know to be true) that *Whitebread*, and divers others, have been Tryed and Condemned for a very execrable *Hellish, Popish Plot*: That upon these Indictments, Mr. *Dugdale* did give Material Evidence; But that, when some other of the Conspirators were to be Tryed, and brought to Punishment, these two Persons did endeavour to make Mr. *Dugdale* absent himself, and retract his Evidence. And not only so, when *Harcourt* was to be brought to his Tryal, (for whom it seems Mrs. *Price* had a particular Kindness); but likewise, it was endeavoured, he should be gone, and not give any further Evidence at all; and he should have a Thousand Pound for a Reward. This is the Indictment.

The Inducement to the Indictment (that is the Tryals of the Conspirators) is all well known: And there have been Coppies of the Records produced, which have been inspected and perused by the Council, on the Defendants Parts; and they cannot say, but that the Records agree with the Matter, in that respect: So that, there is nothing at all, but the bare Matter of Fact, that you are to inquire into.

I shall distinguish the Persons: Mrs. *Price*, according to the Evidence, hath gone through the whole Charge of the Indictment; and indeed, hath committed some further Crimes, than have been mentioned in the Indictment.

First, It hath been proved to you by Mr. *Dugdale*, that she did not only desire Kindness to *Harcourt*, who

was her *Ghostly - Father*; but she did designe, as much as in her lay, that he should not come in at all, to give Evidence against him: This is proved by Mr. *Dugdale*; And another Person that was by, that did hear Mrs. *Price* say, She would have him be kind to Mr. *Harcourt*, because he was her *Ghostly - Father*; Withall, tells you, That immediately after, *Dugdale* did tell him, that she did perswade him, he should absent himself, and not give Evidence against *Harcourt*.

She is likewise Charged, (as they are both) that she did treat with Mr. *Dugdale*, for to Retract all that he had said, to be gone, and to leave a Paper behind him, which should signify, that there was Trouble of Mind upon him; and that he had done wrong in his Testimony given against the *Catholicks*: Therefore, he would be gone, and leave a Testimony of it in Writing, when he was gone. And she provides for his Security abroad, and he should have a *Thousand pound* Reward.

*Dugdale* is the Person, with whom the first Treaty was: But because he knew, and it was observed, that it was unsafe to deal with Persons, that were tampering with him in such a Nature as this was, and upon a Matter of this kind; he does acquaint Persons of very great Quality; as he swears; my Lord of *Shaftsbury*, and two other Persons. They do advise him, that he should get some Persons to be by, when they should come to some further Treaties concerning this Business. And to that purpose, he should hold up a Correspondence, and condescend to a kind of Agreement and Compliance, that he might be able to have further Testimony, to confirm his Evidence. Whereupon Dr. *Chamberlaine*, and his Servant, are placed in a Closet in Mr. *Dugdale's* Chamber, in such a Place that they might hear what was discoursed in the Chamber: In comes Mrs. *Price*, they being in the Closet, Mr. *Dugdale* and she discoursed about the Business so loud, that Dr. *Chamberlaine* and his Servant (as both of them tell you) heard their discourse upon it. The

Question



Question was asked, and put to Mrs. Price: *Mrs. Price, I hope, you know, you are the Person that first moved this Intrigue; it began from You, and not from Me: And this was confessed by her. So that you have, in Confirmation of Mr. Dugdale, the Testimony both of Dr. Chamberlaine, and of his Servant, to that part of the Charge against her. And withall, 'tis added, not only that he was to go beyond-Sea, to retract what Evidence he had given; but likewise, it was thought expedient, he should come over again, and swear against all the rest of the Evidence that had been given, or should be given for the KING. And when it was said by Mr. Dugdale, What will it avail you, if I do Retract my Evidence? There is Mr. Oates, and Mr. Price, to testify the same thing. She said, No matter for that: If we get you on our side, for the Catholick-Cause, to be our Friend, we shall be sure to baffle all they can say or do: And we shall not only save the Catholicks, but turn the Plot upon the Head of the Protestants, and all the KING's Witnesses shall be Hang'd. That, you may remember, was testified by some of the Witnesses.*

*Mrs. Price deals frequently with Mr. Dugdale, to this purpose.*

*Dugdale, that he might know (and as very like, with that honest Intention, and no other, he did it); and that he might discover the Bottom of the Business, tells her, This is a thing of dangerous Consequence: and it is fit, that I have better Security, than your Promise of this Thousand Pound: I will have some Substantial Person, that shall come and confirm what you promise. And thereupon she tells him, He should have a Substantial Person brought: and he should have Thanks from very great Persons; naming the Duke of York: For he it was, as they said, that would take care to Protect him, and procure a Pardon for him.*

*Now, Gentlemen, this is the Evidence against Mrs. Price. In Defence of this, What does she often, but*

that she hath been acquainted with Mr. *Dugdale*, and there hath been great Familiarity between them? If there had not been such a Familiarity, would there have been such an Intrigue? Is this a Matter to be Communicated to a Stranger? If there were a Doubt before, whether there were this Contrivance; Does not this give us a better Assurance that it was so, because there was such an Acquaintance between them?

Then, as to Mr. *Tasborough*: He indeed is not in the Beginning of the Designe, at all: There is no Evidence against him, for that Part of the Charge, *That he should Absent himself, and not give Evidence against Harcourt*. He comes not in at that Time: Nor can I perceive by Mr. *Dugdale*, that he had any Acquaintance with him at all, till the Twelfth of October. And he sayes, he was but twice in his Company.

Now, Gentlemen, What does Mr. *Tasborough* do? First, *Dugdale* is told by Mrs. *Price*, That a Man of QUALITY should come to him, and confirm all the Promises she had made him. *Tasborough* does come to him, and tells him, He hath had some discourse with Mrs. *Price*, what she had proposed; and he is now come to make good and confirm, That all shall be effected, that she had proposed to him. Ay! But it is supposed, that Mr. *Tasborough* is a very Honest Man, and a Conscientious Man; and does come for nothing in the World, but to perswade Mr. *Dugdale* to do the Office of a Christian: It was a Charitable thing of him, to take off the Scandal that was upon the Innocent. But you do not hear him charge it upon Mr. *Dugdale's* Conscience, that he had given a false Evidence against any of those Persons; nor urge him much to Repent: But he must begone: He must give no more Evidence against the *Catholicks*: And, What if he do comply with this Desire? Then he tells him, he shall have a Reward: What Reward? A Thousand Pound; which was made known before;

before; and Protection, and Pardon, and Security: And he comes to him in the Duke of York's Name, to inforce it the more strongly upon him, and make him do it: Whereas, indeed, the Duke of York (as he himself, and Mrs. Price have since confessed) never knew any thing at all of the Business.

Now, Gentlemen, to move by honest Christian means, any one that hath done an injury of any sort, to Repentance, and Contrition, and Recantation, that is a very good thing, but to do it with promise of a Reward of a Thousand Pound, cannot be justified; what way is there to insinuate into any Person, an intention of doing a Mischief, but such a way as this? Will any one come to another, and say, forswear your self; whereas you know such a thing to be true, swear it to be false, or retract the Evidence you have given about it, and I will give you a Thousand Pound? No, but serve the *Catholick Cause*, a great many have suffered, and by your Testimony; retract, be gone, be secure; you shall have a certainty, that you shall be secure in another Kingdom; or else you shall have it in a *Protestant Family*, though neither that *Protestant* nor any *Protestant* was named.

Is not this a Bait to tempt a Man to all the Villany in the World? If a Thousand Pound be offered, who can resist? Such People as these are, will not easily resist such a Temptation.

But, Mr. *Tasborough* is a very honest Man in his Life and Conversation, he produceth those that tell you his Reputation is good, and the like; there is no doubt of it, and if he had produced Twenty Witnesses, do you think he would produce any one that should speak against himself? He chooseth out those certainly, as would speak as much in his Favour as they can; but if a Man hath been an honest Man in his Conversation, may he not be inticed or seduced? Especially when it will be told him, if you do this you shall merit Heaven; you shall be Sainted and Canonized, you do the greatest service in the

Q World,

World, to the *Catholick* Cause.

These Temptations may work upon a Man, perhaps that is Morally honest, when he is infatuated with this Principle, that any thing may be done for the *Catholick* Cause, as it is a *Catholick* Doctrine, too often instill'd into them, that any thing is become Sanctified, when it tends to that end; 'tis easy then to prevail upon them in things of this Nature.

I should have told you, (which I omitted before) one Circumstance concerning matter of proof against Mrs. Price, more than *Tasborough*; two Witnesses said, they were in the Closet, and heard a Woman discourse; but neither of them did see her Face; but afterwards it is proved by another that he was desired to observe who came into, or went out of the House; and he swears, he saw Mr. *Dugdale* and her come out of the House, that they went to the *Gate-House*; and he saw her come again from the *Gate-House* with Mr. *Dugdale*, and he is sure this is the Person. And you remember that part of their discourse was of going to the *Gate-House*.

Mr. *Just. Pemberton*. They do not deny it neither.

Mr. *Just. Jones*. I don't see they do.

Mr. *Just. Pemberton*. 'Tis a very strong and plain Evidence as can be given.

Mr. *Just. Jones*. There is nothing can be said for Mrs. Price, little for Mr. *Tasborough*.

Mr. *Just. Pemberton*. I see nothing that can do him any good.

Mr. *Just. Dolben*. Come Gentlemen, lay your Heads together, and consider of the Matter.

(Which the Jury did at the Bar.) And being asked by the Clerk of the Crown, Whether they were agreed? They answered, Yes.

Cl. of Crown. Who shall say for you?

Omnes. Foreman.

Cl. of Crown. Do you find the Defendants Guilty of the Trespass, and Offence whereof they stand indicted, or not Guilty?

Foreman. Guilty.



*Pollexfen.* As to part only for Mr. *Tasborough*.

*Foreman.* Guilty of the Indictment.

*Mr. Just. Jones.* We all know he is not found Guilty of one part, and that must be considered as the setting of the Fine.

*Mr. Atorn. Gen.* Mr. *Tasborough* hath been upon Bail; but I suppose he must not go upon Bail now; we pray that he may be Committed.

*Mr. Just. Pemberton.* They must both be Committed; take them both.

*Mr. Saunders.* Mrs. *Price* is still in the Gate House.

*Mr. Just. Pemberton.* We have her here now; she is in our Custody.

*Mr. Saunders.* If you please, Sir, we desire she may be remanded back.

*Mr. Just. Pemberton.* No, they shall go both into the Marshals Custody.

*Mrs. Price.* I beg of your Lordships, I may go back to the Gate House.

*Mr. Just. Pemberton.* What! these are not things to be trifled with.

*Mr. Just. Dolben.* No, we must not shew you any favour at all.

*Mr. Just. Pemberton.* No, we must have no favour for you that would destroy us all.

*Then the Prisoners were taken into Custody by the Marshal, to be kept till their Judgment.*

## F I N I S.

### Books lately Printed.

**T**He Tryal, Conviction, and Condemnation of Anthony Brommich, and William Atkins, for being Romish Priests, before the Right Honourable the Lord Chief Justice Scroggs, at this last Summer - Assizes at Stafford, held

## Books lately Printed.

held there for the County of Stafford; where they received Sentence of Death accordingly.

Together with the Tryal of Charles Kern, at Hereford-Affize last, for being also a Romish Priest.

The Lord Chief Justice Scroggs, his Speech in the King's Bench, the first day of this Michaelmas-Term, 1679. occasioned by the many Libellous Pamphlets, which are published against Law, to the Scandal of the Government, and publick Justice.

Together, with what was declared at the same time, on the same occasion, in open Court, by Mr. Justice Jones, and Mr. Justice Dolben.

The Tryal and Conviction of Thomas Knox, and John Lane, for a Conspiracy to defame and scandalize Dr. Gates, and Mr. Bedloe; thereby to discredit their Evidence about the Horrid Popish Plot.

**The whole Duty of Man is now Printed in significant Latine, for the use of Schools.**

Sold by Robert Pawlet, at the Bible in Chancery-Lane, near Fleet-Street.

FINIS.

Books lately Printed.

The Tryal, Conviction, and Contumacious of Anthony Brownish, and William Atkins, for being Romish Priests, before the Right Honourable the Lord Chief Justice Scroggs, at the last Summer-Affize at Stafford, 1677.